



# **ACHIEVEMENTS AND PROSPECTS OF NON-PROLIFERATION AND DISARMAMENT**

Proceedings of the International  
Luxembourg Forum Conference

**WASHINGTON, D.C., 2010**





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The book contains proceedings of the International Luxembourg Forum Conference (September 20-21, 2010, Washington, D.C., United States), which focused on achievements and prospects of non-proliferation and disarmament, as well as developments in the situation with the Iranian and North Korean nuclear programs. The most authoritative experts from different countries participated in the meeting. In addition to various reference materials, the Appendices include the Address by Dmitry Medvedev, President of the Russian Federation, the Final Document adopted by the participants in the conference, and documents on nuclear non-proliferation and disarmament. The publication is intended for experts on the subject, as well as for a wide readership.

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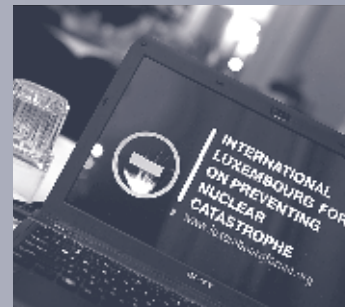
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## **ABOUT THE INTERNATIONAL LUXEMBOURG FORUM ON PREVENTING NUCLEAR CATASTROPHE**

The International Luxembourg Forum (ILF) on Preventing Nuclear Catastrophe was established pursuant to a decision of the International Conference on Preventing Nuclear Catastrophe held in Luxembourg on May 24 – 25, 2007. The Luxembourg Forum is one of largest non-governmental organizations bringing together leading, world-renowned experts on the non-proliferation of nuclear weapons and on arms reduction and limitation.

The Forum's priorities are:

- To counteract growing threats to the nuclear non-proliferation regime and erosion of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), including the escalating danger of nuclear terrorism and attempts by certain countries to gain access to nuclear materials and technologies. Particular attention is paid to the Iranian nuclear threat;
- To promote global peace and security through new approaches, and to make proposals to decision makers concerning practical solutions to critical issues of nuclear non-proliferation and arms control.

The Forum's principal guiding bodies are the International Advisory Council (IAC) and the Supervisory Board (SB).

The International Advisory Council is the Forum's main operating body, consisting of more than 40 leading experts from many countries. IAC members make proposals on the Forum's agenda, arrange the Forum's events and participate in drafting the Forum's final documents (declarations, spe-

cial statements, memoranda, etc.) to be circulated to top-tier politicians, heads of international organizations and public figures around the world.

The Supervisory Board is a team of prominent politicians, public figures and world-renowned scientists, including Hans Blix, former Director General of the International Atomic Energy Agency (IAEA), William Perry, former United States Secretary of Defense, Gareth Evans, Co-Chair of the International Commission on Nuclear Non-proliferation and Disarmament and former Minister for Foreign Affairs of Australia, Rolf Ekeus, former OSCE High Commissioner on National Minorities, Sam Nunn, prominent U.S. politician and Co-Chairman of the Nuclear Threat Initiative, Roald Sagdeev, Academician of the Russian Academy of Sciences and Director of the East-West Center at the University of Maryland, Nikolay Laverov, Vice President of the Russian Academy of Sciences, and Igor Ivanov, Professor at the Moscow State Institute of International Relations, former Russian Minister for Foreign Affairs and former Secretary of the Security Council of the Russian Federation. Members of the Supervisory Board advise on the activities of the Forum, a high-profile public entity aimed at strengthening peace and security.

The Forum is headed by its President, Viatcheslav KANTOR, Ph.D., a prominent public figure, international philanthropist, entrepreneur and investor. Mr. Kantor is President of the European Jewish Congress and leads many international public institutions. He has chaired the Organizing Committee of the Luxembourg Conference and greatly contributes to the work of the International Luxembourg Forum.

On March 26, 2008, IAEA Director General Mohamed ElBaradei received a visit from Alexei Arbatov and Vladimir Dvorkin, the plenipotentiary representatives of the Luxembourg Forum. During the meeting, ElBaradei, Arbatov and Dvorkin shared their opinions on the prospects for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons. The Luxembourg Forum representatives conveyed their views to the Director General regarding the complex issues associated with the Iranian nuclear program and the prospects for a peaceful settlement through dialogue as provided for in the relevant United Nations Security Council resolutions. Special attention was devoted to the need

to strengthen the IAEA's system of safeguards, including comprehensive compliance by countries with the provisions of the Comprehensive Safeguards Agreements and their Additional Protocols, improved monitoring of the nuclear fuel cycle, including the possible creation of international nuclear fuel cycle centers, and the fulfillment of all relevant obligations of the States Parties to the NPT.

The IAEA Director General gave valuable advice, made a number of recommendations for the work of the Luxembourg Forum, and expressed support for its activities and readiness to cooperate informally in various spheres of mutual interest.

On April 14, 2008, a Forum Working Group meeting was held in Moscow. Following alarming developments in the Iranian nuclear program, the meeting focused primarily on possible political and diplomatic ways of addressing the issue.

As an outcome of the meeting, the workshop issued a memorandum providing a number of practical steps toward nuclear non-proliferation. Like the previous Luxembourg Conference Declaration, the memorandum was circulated to world leaders and the heads of major international organizations.

The next event took place in Rome on June 12, 2008, in the form of a Joint Seminar of the International Luxembourg Forum on Preventing Nuclear Catastrophe and the Pugwash Conferences on Science and World Affairs. The seminar was dedicated to the results and prospects of the Preparatory Committee for the 2010 NPT Review Conference.

The Supervisory Board of the International Luxembourg Forum met on December 9 in Moscow. Participants, who included William Perry, Hans Blix, Rolf Ekeus and Igor Ivanov, summed up the results of the organization's activities in 2008 and outlined plans and priorities for 2009. The session addressed the most urgent nuclear non-proliferation and international security issues, both worldwide and in challenging regions. On the previous day, December 8, Luxembourg Forum representatives met with Russian Foreign Minister Sergey Lavrov and Deputy Secretary of the Security Council of the Russian Federation Vladimir Nazarov.

The work of the Forum in 2009, as before, was dedicated to the strengthening of the non-proliferation regime. On April 22, a Working Group meet-



ing took place in Moscow devoted to the reduction of strategic offensive weapons and the prospects for the Preparatory Committee for the 2010 NPT Review Conference.

On July 2 another Working Group meeting was held in Geneva, with one session focusing on the results of the 2009 Preparatory Committee and prospects for the 2010 NPT Review Conference, and the other on the development of the situation surrounding the Iranian and North Korean nuclear and missile programs. In keeping with the Forum's traditions, final documents on the outcome of the meetings were agreed upon and adopted and then sent to world leaders and the heads of international organizations.

On December 8 the meeting of the Supervisory Board, with the participation of William Perry, Hans Blix, Rolf Ekeus, Gareth Evans and Roald Sagdeev, reviewed the activity of the Forum during the year and highlighted the principal directions for ILF work in the next year. On the next day Luxembourg Forum representatives met with Russian Foreign Minister Sergey Lavrov and Deputy Secretary of the Security Council of the Russian Federation Yuriy Baluyevskiy.

The year 2010 was marked by the signing of the New START Treaty (Forum members called for this in a number of their statements), which attracted special attention to the whole scope of nuclear-related arms control and security problems. These issues were reflected in the work of the ILF and discussions that took place at the Forum's events.

On April 8-9, a Working Group meeting was held in Vienna devoted to the prospects of the 2010 NPT Review Conference. This discussion was especially important on the eve of the Conference itself. A number of the practical proposals addressing the critical non-proliferation issues were summed up in the WG final document, which contained possible solutions for the acute issues of the Conference agenda and was forwarded to state leaders.

The ILF Conference in Washington (September 20-21) placed special emphasis on the stumbling blocks on the way toward ratification of the Treaty, analyses of the next possible steps in arms control, and the future of nuclear disarmament and non-proliferation. The prospects for cooperation on ABM, as the principal possible area of partnership, were subjected to thorough analysis.

The ILF event attracted the special attention of the political academic community and the public in general. The prominent American member of the Forum's Supervisory Board, Senator Sam Nunn, actively participated in the discussion and in the press conference that followed.

The traditional annual meeting of the Supervisory Board took place on December 8-9, 2010. In his opening remarks Sergey Ryabkov, Deputy Foreign Minister of Russia, presented the Address of the President of the Russian Federation, Dmitriy Medvedev, in which the latter highly praised the activity of the Forum in strengthening the NPT, perfecting the arms control mechanism and preventing the threat of nuclear terrorism. The President also stated that the proposals and recommendations of the Forum were being implemented on a practical basis in the world community's solutions to these problems.

In their Declaration members of the Supervisory Board paid special attention to and expressed their unanimous and strong support of the article by four Russian "wise men" (E. Primakov, I. Ivanov, E. Velikhov, M. Moiseyev), entitled "From Nuclear Deterrence to Common Security," published in the Russian newspaper *Izvestiya* on October 15, 2010. The principal directions of the Luxembourg Forum's activities for the year 2011 were also included. Among them was the quite innovative task of establishing "red lines" of compliance with the spirit and letter of the NPT, the crossing of which would entail effective actions by the UN Security Council in accordance with articles 41 and 42 of the UN Charter.

In its future plans the International Luxembourg Forum is going to extend the tradition of deep expert analyses of the most critical problems in non-proliferation, arms control and international security, with the goal of producing proposals of practical value. Further, the practice of developing cooperation with important international institutions and organizations will be expanded.



## **WELCOME ADDRESS**



**Viatcheslav KANTOR, Ph.D.**

**President of the International Luxembourg Forum  
on Preventing Nuclear Catastrophe (Russia)**

Ladies and gentlemen, friends and colleagues! Permit me to begin by expressing my gratitude to the Luxembourg Forum members and our guests for their participation in the scheduled meeting of the Forum. I have special thanks for Supervisory Council members Sam Nunn, Igor Ivanov and Roald Sagdeev, who are in attendance today.

Our agenda includes the discussion and formulation of proposals for resolving urgent problems of strengthening the nuclear non-proliferation regime. These include further reductions in nuclear arsenals, cooperation in anti-missile defense, the continuing Iranian and North Korean nuclear crises and the follow-up to the nuclear security summit and the Non-Proliferation Treaty Review Conference.

Obvious progress was achieved in nuclear arms cuts when the U.S. and Russia signed the START Treaty in Prague. Today we can be reasonably confident that in the near future the Treaty will be ratified by the legislatures of the two countries and enter into force. If, for whatever reason that may suddenly arise, this fails to come about, a mighty blow will be dealt to the nuclear non-proliferation regime. Let us hope for a successful outcome.

The next stage is likely to involve consultations on ways to limit and reduce sub-strategic nuclear weapons. There are obvious difficulties here because, as opposed to strategic nuclear weapons, there is no beaten path, as the experts well know. The opportunity to conclude any agreements in this

sphere is conditioned, first of all, on the need to monitor the negotiated limits and, second, on the need to take into account the objective asymmetry in the geostrategic positions of the U.S. and Russia. Here, as far as we know, there are no practicable proposals as yet. Our goal is to move forward to formulating proposals that the respective governments might find acceptable.

In the opinion of many experts, the problems of further accords between the U.S. and Russia on nuclear arms cuts are closely linked to an agreement on cooperation between our two countries and leading European nations in developing, deploying and jointly using anti-missile defense systems.

I think we should discuss ways to eliminate the differences that exist in this field. Perhaps the first thing to do is to review and resurrect the positive experience of our pre-2008 cooperation. I have in mind the resumption of joint anti-missile defense exercises in a broader format and an opportunity to take the first steps towards integrating information systems.

The Iranian and North Korean nuclear crises have for years been the sore spots and pressing issues of the nuclear non-proliferation regime. I think everyone understands that the Iranian nuclear program will not be halted by more UN Security Council resolutions invoking ostensibly tougher sanctions.

The longer the fruitless and oft-interrupted nuclear negotiations with Tehran drag on, the closer Iran gets to developing nuclear weapons. These negotiations have recently focused not on the demand that Iran comply with the five UN Security Council resolutions and stop uranium enrichment, but merely on persuading Iran to accept the offers, first from Russia and France and then from Turkey and Brazil, to enrich Iranian uranium to a higher degree.

Iran keeps improving its missile potential by testing extended-range nuclear-capable ballistic missiles using both liquid and solid fuel.

Iran's potential withdrawal from the NPT or continued violation of the Treaty will ultimately destroy the nuclear arms non-proliferation system. The Iranian nuclear bomb will inevitably trigger a chain reaction of nuclear club expansion.

Many nations in the Middle East and elsewhere will acquire nuclear weapons. Most of these will be unstable countries balanced on the brink of

radicalization and civil war, accompanied by a breakdown of government institutions. This dramatically lowers the threshold for the use of nuclear weapons in regional and domestic conflicts and heightens the possibility of their escalation to the global level in the not very distant future.

Another similarly grave threat is the fact that, given current developments, international terrorist organizations are bound to get access to nuclear materials and explosive devices. Al-Qaeda and other extremist Islamic organizations make no secret of such intentions.

Apparently aware of this fact, the United States and a number of European countries have introduced tougher unilateral sanctions that, in theory, could be more productive. Certain leaders and experts regret the fact that this weakens the unity of the permanent UN Security Council members, but we should understand that this unity has so far proved fruitless with respect to Iran, which undermines the prestige of the Security Council as the guarantor of international security.

Acts of provocation by the North Korean regime regularly complicate the Six-Party Talks on the denuclearization of the Korean Peninsula and seriously disrupt the security of the region as a whole. The fact that the regime has a certain quantity of nuclear munitions and a significant arsenal of ballistic missiles of varying ranges poses an obvious threat to the Far East as a whole and calls for new, non-conventional solutions that deserve special attention.

The carrot-and-stick policy is unlikely to bring results in Iran, but it could still be productive in talks with North Korea, in light of that country's social and economic plight.

The generally positive results of the nuclear security summit and the Non-Proliferation Treaty Review Conference make it possible to identify other problems with the non-proliferation regime, so that we can focus on them. We have here with us top specialists and experts who can analyze and assess the results of those two major events better than many others and plan further directions for the work of the Luxembourg Forum.

I hope that the outcome of our Conference will be successful.



## **SESSION 1**



Chairman –  
**Vladimir DVORKIN,**  
**Professor**

**Chairman of the Organizing  
Committee of the International  
Luxembourg Forum (Russia)**

## **The Prospects for Further Cuts in Strategic Nuclear Forces. Problems of Tactical Nuclear Reduction and Cooperation on ABM**

**Vladimir DVORKIN, Professor**  
Chairman of the Organizing Committee of the International  
Luxembourg Forum (Russia)

The signing of the New Start Treaty as a necessary step in the development of Russian-American security relations also simultaneously cleared the path to further progress in arms control and international security.

In terms of priority, the first step on this path may be undertaking further cuts in non-strategic nuclear weapons. During the negotiations on the new Treaty, the U.S. Senate already insisted that tactical or non-strategic nuclear weapons should be included in the process of negotiations. This, of course, could not happen.

However, many in the U.S. political and expert community insist that those weapons, on an urgent basis, must be made part of the agenda of future negotiations. Further, there is every justification and every reason to believe that the pressure being put on Moscow by Washington on this issue will only intensify.

Our Western colleagues are offering the following arguments in favor of this approach. Since Russia leads the U.S. and NATO by far in this class of weapon, the advantage that Russia has now will become more important when strategic weapon limits are reduced.

In days of war, non-strategic weapons are deployed as part of conventional forces and can be immediately used in a conflict with a high risk of nuclear escalation. Tactical nuclear weapons are not equipped with systems for preventing unauthorized use that are as reliable as those mounted on strategic nuclear weapons. Therefore, the possibility of unauthorized use here is much higher. At the same time, non-strategic nuclear weapons, especially old types, are more likely to be stolen; they are more compact, smaller and equipped with less effective blocking systems, and therefore they are a lucrative find for potential thieves, who, of course, would be terrorists. These are, in summary, the arguments that our Western colleagues have offered to Russia, trying to get Russia to discuss these matters.

As a rule, Russia's position has boiled down to the need for the U.S. to withdraw its nuclear weapons from Europe to its home turf, and that is viewed as the prerequisite for any dialog on the subject.

Speaking of the subject of consultations and, perhaps, even negotiations, non-strategic weapons comprise everything that falls outside the scope of the strategic nuclear weapons treaties. This includes those types of weapons that were the subject of the parallel obligations of Russia and the U.S., or the USSR's similar unilateral obligations in the early 90s, and may presuppose the reduction and elimination of artillery systems or nuclear land mines, surface-to-air missiles, bombs that are used by naval aviation, torpedoes and missiles used in the navy, and anti-submarine and anti-ship missiles.

One of the serious problems is that in addition to the U.S. and Russia, intermediate range systems are available to France, India, Israel, Pakistan, China and North Korea. This exacerbates the problem: the U.S. and Russia are not the only two countries that have them. France has 60 Mirage aircraft, the Mirage 2000H. It has 24 deck-based fighter-bomber jets that carry air-to-surface missiles, and those weapons can be viewed as non-strategic, whereas France actually counts them as strategic. The biggest problem is that tactical nuclear weapons use dual-use delivery systems, such as bombers, fighter-bombers, submarines, short-range missiles, submarine-based missiles and even artillery, including large-caliber artillery. Therefore, the reduction and elimination of non-strategic nuclear weapons cannot be ac-

complished without eliminating the delivery systems, which are all part of the conventional forces.

Therefore, any significant reduction using the methods for reducing strategic arms, if they were to be applied to tactical weapons, would affect the organization of the air force, land forces and entire nuclear weapon defense systems. I will not describe here how the reductions occurred on a unilateral basis as far as tactical nuclear weapons in Russia and the U.S. are concerned; I will only say that, according to unofficial estimates, the U.S. has approximately 500 tactical nuclear weapons, including cruise missiles, sea-based cruise missiles, and 400 air drop bombs, of which 200 are based in five different NATO countries. According to the U.S. military doctrine, all Tomahawk missiles will be eliminated. However, B61 air drop bombs will be part of a program to extend their lifespan.

There isn't enough reliable information regarding the number of nuclear weapons in centralized storage in the U.S. It is known that they are maintained at several Navy and Air Force bases, in standalone centralized storage facilities and at warehouses that are adjacent to the manufacturing facilities in Texas. According to official data published recently, among its strategic and non-strategic forces and in reserve, the U.S. has 5113 nuclear warheads and, according to the estimates by independent experts, approximately 4200 more are scheduled for disposal.

In Russia, unlike strategic weapons, the non-strategic nuclear forces are kept under far more secretive circumstances than their U.S. counterparts. According to available information, in 2000 all tactical naval and air force systems were brought to central storage facilities. 30 of them were eliminated; 50 tactical nuclear weapons from the Air Force were eliminated, as well as 50 warheads based on anti-air defense missiles, and nuclear warheads in artillery and tactical missiles and ground force landmines were also partly removed.

Most expert opinions currently boil down to the fact that Russia has approximately 2000 tactical/operational nuclear weapons, and approximately 500 of them are missiles for about 120 bombers, approximately 300 of them being air launch missiles for naval aviation, and about 500 units being anti-ship and anti-aircraft missiles, as well as torpedoes for naval vessels and



submarines. According to the existing information, which I am not going to go over in great detail, all of these non-strategic nuclear armaments that previously belonged to ground forces, the Air Force and Navy, were relocated to warehouses of the 12th Directorate, where they are in the pipeline for either modernization or disposal.

I am not going to describe what is happening in other nuclear countries, but Russia primarily sees in its tactical operational nuclear weapons the means of neutralizing NATO's potential, so there is no desire to start negotiations in this area. The West was also reluctant to start negotiations, because they were not looking forward to removing their tactical nuclear arms from Europe. The challenge for Russia to start serious discussions in this area lies in the most recent statements of Russian military doctrine that the expansion of NATO is posing an imminent threat to Russia. However, if we look at it objectively, if we look at the post-Soviet period, we will see that the number of NATO member countries increased, but the overall military potential of NATO was reduced by 35 percent in ground forces, about 30 percent in naval forces and 40 percent in air forces, and America significantly reduced its presence in Europe. Now NATO forces are lagging behind the initial caps in the CFE treaties by 25 to 45 percent, and in 28 countries that are members of the Alliance, there are a lot fewer armaments and troops than the initial six members had at the height of the Cold War. This would not be the case if NATO was preparing any kind of aggression. What's more, even though this type of aggression and threat is exaggerated, they cannot be completely ignored, and the new doctrine sees it as a challenge. Therefore, the West needs to alleviate these fears in Russian official political circles.

In order to make the discussions on the additional "arms control agenda" possible, to move them forward, the process of the reduction of conventional forces and armaments in Europe needs to be revived. We could propose the formation of a joint rapid deployment or rapid reaction force in Europe that would be used to reduce overall tension, not just in Europe, but in other regions as well, say, in Afghanistan. We could also negotiate limitations on precision guided intermediate-range weapons.

In this context, Russia will be willing to start a dialog on the reduction of non-strategic forces between Russia and NATO. There is also the latent

problem with China, but a possible solution involves creating a one-hundred-kilometer buffer along the Russian-Chinese border. Thus, the New START Treaty indirectly touches the issue of non-strategic nuclear weapons, though not in the way that those in the American Senate would want to see it.

The mechanism of reduction is based on the warheads that are currently deployed, but, for instance, bombers are not counted as deployed weapons, because in peacetime the warheads are located in warehouses, not on board those bombers. In addition, essentially all tactical nuclear devices and weapons are also not considered deployed, because they are not located on launching systems.

Therefore, we cannot eliminate tactical weapons in the traditional way, along with the delivery systems, because we have dual-use launching systems. Because of this it is very hard to negotiate tactical weapons reduction to certain levels. Moreover, the most challenging part would be verification, because we would have to verify and inspect non-deployed containers with bombs and warheads in warehouses, and that would be a lot more challenging, because munitions of a tactical nature are frequently warehoused with strategic ones, and there are perhaps dozens of strategic and thousands of non-strategic storage facilities.

However, in the beginning we could do the following. Some time ago my colleague Anatoliy Dyakov worked with other experts on measures to monitor the disposal of non-strategic weapons, that, as far as I understand, were designated for disposal. Of course, this is a half measure in a way, because it would not provide a complete picture of the existing number of non-strategic weapons, since there is no way to monitor new production or the inventory. However, in connection with this initial step for working out the procedure of monitoring the reduction of non-strategic nuclear armaments, we could at least start discussions of the entire procedure. Then, eventually, when there is a lot more mutual trust, other procedures could be developed further.

In any case we need more information on the types and numbers of non-strategic nuclear armaments housed in all of the warehouses, and the presence of such warehouses in the inventory of the various forces. If these



storages are vacated, they could be inspected, because just the assurances given by both parties to each other would not be adequate.

I'm also convinced that Moscow could have done what Washington did: declare the inventory of active strategic and non-strategic armaments that are in reserve. I do not think that any apprehensions about these numbers being drastically different from those of the Americans are well-founded, because Russia has made great strides in the area of non-strategic nuclear armaments.

I am going back to where I began: there should be a guarantee that all non-strategic weapons are in a central location. This could be verified by inspecting vacated warehouses belonging to various types of armed forces.

Now, a few words on the potential of cooperation in Ballistic Missile Defense (BMD). This is the issue that has been on the minds of people in both the U.S. and Russia, and the only realistic achievements in this area were joint exercises. These exercises were initially taking place in a bilateral Russia-U.S. format, and then in a Russia- NATO format, including the U.S. This is a very useful experience, both politically and technically, which we initiated in 2000. Before 2006 there were five exercises on theater missiles, and there were four exercises in a Russia-NATO format: in Moscow, Holland and Munich. Regarding the last exercise in 2006, the parties were saying, "Well, it was just a computer simulation, and maybe instead of it we should have a reality-based exercise, perhaps involving Russian S-300 and American Patriots." Unfortunately, this cooperation was halted and suspended after the Georgian-Russian conflict.

I have a lot of materials on this topic, and I am not going to use all of them, but I can say that even during the most recent negotiations between the Russian and U.S. Ministers of Defense there was no progress made. Instead, there was only apprehension that this ABM system will be deployed by the U.S., according to the new Obama plan, and this will still be considered a threat to Russia. Under such conditions it is very important to coordinate the accounting for joint missile threats, but it can be done indefinitely long, because the position of both sides may be quite clearly pre-determined.

In reality it seems that the threats to Russia by European-based ABM's is greatly exaggerated. The effectiveness of this ABM system was estimated

in 2009 jointly by American and Russian experts in publications by the Institute for East-West Studies, and more detailed evaluations were published by the London Institute of Strategic Studies.

Taking all parameters of the ABM system into account, those evaluations reveal that five interceptors are needed in order to hit one Iranian missile, and Russian ICBMs are equipped with the highest level of counteracting interceptors and different types of decoys. Therefore, there is no way that there would be a threat to Russia up until the year 2020, when the U.S. obtains class 4 interceptors. The only threat that a European-based ABM system would pose to Russia is if there is a space-based deployment of weapons, such as system of the "Star Wars" type. However, if we look at the most recent Space Doctrine and Nuclear Posture and at the steps taken in the area of ABM's, this scenario is very unrealistic.

Despite the fact that U.S. Secretary of Defense Robert Gates announced that he is ready for cooperation with Russia in the area of ABM's, and Dmitriy Medvedev also made similar statements, on both sides there is a reluctance and lack of desire to cooperate in practice. Americans don't want to tie their hands behind their backs and have additional restrictions; there is also a great deal of mistrust on behalf of the Russian military establishment.

In order to improve the situation we need to make additional active efforts to integrate our early warning systems, since the radars in Russia's southern regions are of a type that no American radar can match, and though space-based warning systems are very effective, they are not one hundred percent reliable, because their effectiveness depends on atmospheric conditions. If we integrate these systems, the effect will be tremendous. Radar in Armavir and Gabala was able to detect and track Iranian missile launches on the one hundredth and one hundred and tenth second after launch along southern trajectories. Of course, if they launch a northbound missile, this tracking time would be reduced tremendously.

If implemented, this cooperation would actually be able to play a crucial role in approaching a strategic alliance, because nations that are building a shared ABM system are more than partners: they are allies. If that were to happen, it would help solve many other issues pertaining to international security.

## Have We Achieved a Breakthrough in Nuclear Disarmament and Non-proliferation?

**Linton BROOKS, Ambassador**  
 Non-Resident Senior Advisor of the Center for Strategic and International Studies (United States)

I have been asked to discuss whether we have achieved a breakthrough in nuclear disarmament and non-proliferation. I suspect that most of us want the answer to be yes and that many in this room assume that the answer is yes. There is evidence to support such a conclusion. Consider nuclear disarmament. President Obama's Prague speech last year and the U.S. Nuclear Posture Review Report both called for progress on nuclear disarmament; this call has been echoed by other nuclear states, most aggressively by the United Kingdom. For an American, the degree of support for the ultimate goal of a nuclear-free world within the United States is striking. Ten years ago, few advocates of nuclear abolition had any prominence within the United States. Now dozens of very senior former officials support abolition. Many have, of course, been inspired by the seminal articles by four senior statesmen — former Secretaries of State George Shultz and Henry Kissinger, former Secretary of Defense Bill Perry, and former Senator Sam Nunn — who are responsible for bringing this topic into the mainstream.

The interest in nuclear disarmament has not been limited to speeches and articles. Four of the five major nuclear states are reducing their stock-

piles and the much-hyped Chinese modernization program seems aimed at maintaining the survivability of what remains a minimal deterrent. The United States and Russia have agreed on modest reductions under New START and the two presidents have committed their countries to further reductions.

An important prerequisite to disarmament is to reduce the role of nuclear weapons in national doctrine. Here too, there are grounds for optimism. One purpose of the U.S. Nuclear Posture Review was to limit the role of nuclear weapons and to clarify that they are a last resort, not a first resort. The United States has quietly dropped dissuading a peer competitor as one purpose of nuclear weapons and sharply limited the role of nuclear weapons in deterring chemical or biological attack. With respect to the Russian Federation, many assumed last year that the new military doctrine would expand the role of nuclear weapons, for example, to so-called local wars. It did not. The doctrine appears clear in saying that for Russia nuclear weapons are also thought of as a last resort. For example, while allowing the use of nuclear weapons to respond to conventional aggression, the new doctrine limits such use to cases "which threaten the very existence of the state."

There are also grounds for optimism in non-proliferation. Unlike disarmament, where the attitude of the United States changed dramatically last year, non-proliferation has been a long-standing U.S. objective, regarded as important by both political parties. Thus, for an American, the developments are less striking, but they are real. The recent Review Conference for the Non-Proliferation Treaty was widely regarded as a success and resulted in an unusual action plan. Over 90 countries now are part of the Proliferation Security Initiative. The International Atomic Energy Agency now has Additional Protocols in force with 102 states, including all five permanent members of the United Nations Security Council. Seventeen of those Additional Protocols have come into effect in the past two years. The Security Council has also imposed more stringent sanctions on Iran.

With all these positive developments, many are optimistic about the future. They see us as entering a time when the importance of nuclear weapons, and thereafter the weapons themselves, will simply wither away.

Perhaps this is true, but I doubt it. Unfortunately, I believe that we are nowhere near a breakthrough in non-proliferation, let alone disarmament. A common belief among the disarmament community is that as nuclear weapons play a smaller and smaller role in strategic doctrine, it will become easier to contemplate their elimination. Disarmament advocates are thus heartened by the developments I have described. However, what we are seeing today is a reduction in peripheral roles, not central ones.

It is important to distinguish between two forms of reduced reliance on nuclear weapons. States may reduce the number of missions that they assign to their nuclear forces, or they may reduce the importance of nuclear weapons in meeting their most important security challenges. Reducing the number of missions is easier but less important. The United States, for example, has historically seen its nuclear weapons as protecting and reassuring allies, discouraging arms races, deterring biological or chemical attack, deterring states from supporting nuclear terrorism, and, in the past, compensating for NATO's conventional inferiority against the European ground forces of the Soviet Union. The Nuclear Posture Review's rejection of a nuclear role in some of these missions reduces the relevance of nuclear weapons in U.S. strategic doctrine, yet as long as the core function of deterring nuclear attack on the United States remains crucial, reducing these other missions will do little to make the United States willing to eliminate its nuclear arsenal. I believe the same is true for other states.

One important discriminator between peripheral and core purposes of nuclear weapons is the degree to which the unilateral action of a state can realistically reduce reliance on nuclear weapons. The United States, for example, can unilaterally decide that the threat of devastating non-nuclear retaliation is sufficient to deter biological attack and thus remove deterrence of such an attack from the list of appropriate missions for nuclear weapons. In contrast, if a state like Pakistan believes it requires nuclear weapons to deter the overwhelming conventional superiority of its neighbor, no unilateral action it can take will remove that need. Nuclear weapons can only play a reduced role in the security of such a state if political conditions change so that a conflict threatening national survival is unlikely, or at least sufficiently less likely, to justify the risk of nuclear elimination.

Seen through this lens, there appears to be little reduction in the global importance of nuclear weapons. A conventionally-weakened Russia sees its nuclear forces as deterring conventional aggression or intervention by NATO or the United States. NATO continues to regard nuclear weapons as important, arguing only over where they should be based. France asserts that "nuclear deterrence protects us from any aggression against our vital interests...whatever form it may take." Some analysts see hints of expanded regional missions for nuclear forces in Chinese writings. Israel (if it has nuclear weapons) and Pakistan both have unreconciled, and thus far unreconcilable, confrontations with numerically superior forces. No one in this room fully understands Iranian or North Korean motives, but it appears they want to preserve their freedom of action by preventing conventional attack that could threaten regime survival.

None of this indicates a willingness to give up nuclear weapons any time soon. President Obama was correct when he suggested in his Prague speech that abolition might not come in his lifetime. Overcoming these political obstacles requires transforming the international security system. However, even if this can be done, there will still be significant technical problems with moving toward abolition. We have already discussed the challenges of the next step in nuclear arms reduction between the United States and the Russian Federation. Problems of ballistic missile defenses are particularly difficult, but there are other issues as well. I believe it is possible to have a further reductions agreement that is in the interests of both countries, but it will be difficult and take time.

If there is another agreement to replace New START, the step after that will need to involve all states with nuclear weapons. We don't have any indication that any of those states, with the probable exception of the United Kingdom, will be interested. We also lack a good model for how to think about multilateral nuclear negotiations. Will states like France and China accept proportional reductions that still leave the United States and Russia with more weapons than they have? If not, will Russia and the United States be willing to reduce to the Chinese level before expecting any reductions from other countries? How will we guard against rearmament? Above all, how will we enforce a future treaty that calls for abolition? The states most

capable of rearming are the five permanent members of the Security Council, but those states would have a veto over enforcement. This suggests we may need a new security mechanism that avoids great power vetoes. I doubt very much that the relevant states, including my own, will be enthusiastic about such a new arrangement.

I recognize that there may well be answers to all of these challenges, although I am personally somewhat skeptical. Many thoughtful people at Global Zero and elsewhere are working on such answers, but until there are answers that command widespread international agreement among all present or potential states possessing nuclear weapons, I believe it is premature to speak of a breakthrough in disarmament.

What about non-proliferation? Here too, it is important not to overstate our progress. The recent Security Council tightening of sanctions on Iran shows the determination of the international community, but it has not caused Iran to cease its defiance. North Korea appears consumed with issues associated with its leadership succession and, at least for now, shows little indication of a willingness to abandon its nuclear program. Later today, we will hear from two of the most thoughtful American non-proliferation analysts, discussing Iran and North Korea. I am positive they will offer important insights, but neither they nor anyone in this room is likely to have a final answer. In addition, we already see hints in Syria and Myanmar of possible future proliferation. Our chances of avoiding such proliferation depend in part on our success with Iran and North Korea. Until those two problems are solved, it is also premature to speak of a breakthrough in the battle against nuclear proliferation.

It would be comforting to conclude that we have achieved breakthroughs on disarmament and non-proliferation, but it would not be correct. Sound policy requires sound analysis, and such analysis demands that we see the world as it is, not as we wish it were. The importance of nuclear weapons is not decreasing. Rather it is concentrating at the high end on existential threats to nuclear armed states (and, at least in the case of the United States, to their allies and partners) and on the low end on countering the continued threat of proliferation and the newly recognized threat of nuclear terrorism. Therefore, the international community must not speak

of non-existent breakthroughs. Instead, it must continue the slow, steady, difficult work of preventing and reversing proliferation, while continuing to work to overcome the problems that stand in the way of further progress toward disarmament.



## **SESSION 2**



Chairman –  
**Vladimir DVORKIN,**  
**Professor**

Chairman of the Organizing  
Committee of the International  
Luxembourg Forum (Russia)

## Contain and Engage: a Strategy for Iran

### **Joseph CIRINCIONE**

President of the Ploughshares Fund (United States)

The strategic calculus for dealing with Iran's nuclear program has shifted dramatically in the first few months of 2011.

First came news that the Stuxnet computer worm had apparently ruined more than one fifth of the centrifuges Iran has used over the past five years to enrich uranium. Then came new estimates from leading Israeli authorities that Iran is three to five years away from having a nuclear weapon, a sharp shift from earlier assessments. U.S. intelligence confirms these estimates.

The nuclear clock is still ticking in Iran. Its scientists and engineers are smart and dedicated, and the regime seems determined to acquire nuclear technology that can be used to make fuel for reactors or the cores of nuclear weapons, but the clock has slowed. Time is now on the side of efforts to negotiate an end to Iran's program.

Iran is still in the early stages of perfecting uranium enrichment; its effort to develop an indigenous capacity for producing plutonium is even further behind. Despite the progress of the past five to seven years, its enrichment program, which currently poses the greatest concern, continues to face major technical obstacles that will take Iran many years to resolve. Current estimates are that should Iran attempt a crash program for a bomb,



it would take approximately one year to enrich enough weapons-grade uranium for one or two devices and another two to five years to perfect a weapon carried by airplane or missile.

There are five basic policy options for trying to end or contain this threat, none of which offers an assured path to success. The options are:

- 1) Maintaining the status quo, or "muddling through."
- 2) Non-military efforts to replace the current regime.
- 3) Military attacks on known Iranian nuclear facilities.
- 4) A "grand bargain."

5) Decisive diplomacy to contain and engage Iran in order to constrain, and if possible, roll back, Iran's nuclear programs.

This last option consists of a number of interrelated policy proposals that could achieve a core objective: the negotiated end or containment of Iran's nuclear enrichment program. While it was likely possible in the past to have negotiated a complete elimination of Iran's enrichment program, the more likely objective now is the containment of the program to several hundred or thousand centrifuges under expanded IAEA inspections to prevent (or provide ample warning of) a break-out scenario.

The contain-and-engage strategy offers the best chance of testing Iran's interest in trading away any future nuclear-weapons capability for present security and economic benefits that would accrue to the vast majority of the Iranian people. At the same time, the strategy lays the groundwork for more effectively containing Iran should the country's divided ruling elites still press ahead with its nuclear enrichment program.

Such an approach may not work, but without a doubt it will illustrate to the Iranian people and the global community a genuine effort to resolve our dispute with the current Iranian regime. But first, what's wrong with the first four options?

The first option, to "muddle through," is often the default option in international security policy, particularly when deep divides exist. This is a policy with no clear strategic vision on how to employ the tools of global power — political, economic, and military — to achieve a common objective. For a good part of the past decade, this had been the de facto policy on Iran while the major powers remained divided on the best overall approach

to the crisis. The United States also suffered from divisions within the Bush administration that resulted in missed opportunities to negotiate a solution on the Iranian enrichment program and constant threats of military attacks on Iran. The result was an incoherent U.S. policy that divided the UN Security Council, allowed (some would say stimulated) a growing enrichment program and permitted expanding Iranian influence in both Iraq and Afghanistan.

The second option, to pursue regime change through democracy promotion and other non-military means, appears more attractive after the emergence of the Green Movement in 2009. Such an approach could lead to a change in the Iranian government, but not necessarily the enrichment program, and too much assistance could backfire. As a May 2005 United States National Intelligence Estimate concluded, direct U.S. aid or sponsorship of anti-government groups in Iran could fatally damage those groups' credibility, weakening the indigenous forces for reform and retarding a genuine change of the regime. Even if such a change were to occur, there is no guarantee that a democratically accountable government would renounce Iran's nuclear programs and its broader interest in exerting more influence in the region, which enjoy broad support among key Iranian elites.

The third option, to conduct military strikes against Iran's known nuclear facilities, is the option least likely to achieve international security objectives. U.S. military and defense officials estimate that air strikes would only buy one or two years' delay in Iran's nuclear enrichment program. It is unlikely that the United States and its partners could use this delay to end Iran's nuclear program. Military strikes would likely consolidate support for an otherwise unpopular government, provoke a variety of asymmetrical military responses that could develop into a sustained war with Iran, and trigger global economic and political repercussions highly detrimental to American global security interests. This option is the worst of the lot. Though often urged by certain factions in the United States and Israel, it is unlikely that either nation will conduct such attacks in the foreseeable future.

The fourth option, to negotiate a grand bargain with Iran, is not practical. It would require the simultaneous resolution of too many conflicts to

achieve the most important objective: the negotiated end of Iran's nuclear enrichment program. While it is true that the resolution of the nuclear issue requires an overarching framework in which several key issues are resolved simultaneously, neither the U.S. administration nor the governing coalition in Iran is capable of making the sweeping changes required by this strategy in the near term. Moreover, the issues of Iran's involvement in regional conflicts, its relations with Israel and its human rights record can and should be pursued on independent tracks from the nuclear issue.

Iran's nuclear enrichment program is by far the most urgent issue, and it alone has the attention of the UN Security Council and the leverage that brings. By holding this issue hostage to the resolution of all issues, the grand bargain strategy risks failure to resolve any of them.

The fifth option, contain and engage, offers the best possibility of moving toward a broader agreement with concrete, reciprocal measures based on the principle that would underlie any grand bargain: recognition that the United States and other nations must address Iranian security concerns in exchange for Iran addressing theirs.

The contain-and-engage strategy offers the best hope for slowing Iran's nuclear efforts, testing Iran's willingness to trade nuclear weapons capabilities for a fundamentally different relationship with the United States and other nations, and a hedge against the failure of diplomatic efforts.

The strategy recognizes that progress towards this goal is unlikely without progress on the overall U.S.-Iranian relationship, the development of regional security arrangements and the creation of a mechanism for assuring a steady supply of nuclear fuel to Iran and other nations. The strategy, however, is not a long-term, comprehensive strategy for resolving all the issues that separate the U.S., Iran and its neighbors. Rather, it focuses on the near-term challenge of constraining Iran's nuclear program so that the most dangerous aspect of that program, uranium enrichment, can be curtailed.

If Iran's enrichment program is not delayed over the next year, Iran's nuclear engineers may achieve the level of expertise and self-sufficiency to enable them to hide their activities from international inspectors and national intelligence agencies far more effectively. This could undermine the

balance of power in the region and the viability of the global non-proliferation regime.

Conversely, constraining Iran's nuclear program would create the necessary time to work toward resolving a broader range of issues with Iran and shore up global efforts to stop the spread of nuclear weapons. Thus, global policy should look to implement a series of measures that could contain the Iranian nuclear program and minimize Iran's regional influence.

We should complement these containment efforts with sufficient diplomatic openings to engage pragmatic members of Iran's ruling elite and appeal to the broad masses of the Iranian public in order to isolate and weaken the radical revolutionary elements represented by President Mohammed Ahmadinejad. Key elements of this policy include:

- Maintaining and expanding the sanctions mandated by the UN Security Council in reaction to Iran's defiance of the Security Council's demand to suspend enrichment;
- Isolating Iran diplomatically as long as it continues with its enrichment efforts;
- Preserving the unity of the UN Security Council and other nations engaged in negotiations with Iran over its nuclear program;
- Steadily expanding national sanctions on Iran's financial and business sectors for the pressure they bring on the Iranian economy;
- Restricting Iran's access to nuclear and missile technologies;
- Pursuing a resolution of the Israeli-Palestinian conflict in order to remove or lessen a fundamental factor in regional instability;
- Engaging other nations in regional security discussions, including, importantly, efforts to create a Middle East Free of Nuclear Weapons;
- Exploring the creation of a regional nuclear fuel bank consortium under IAEA leadership;
- Laying the diplomatic groundwork for a long-term strategy of containing Iran should negotiations break down; and
- Preparing smart military options to thwart any offensive Iranian military activities, should diplomacy fail.

In short, the international community must constantly remind Iran of the potential benefits, as well as the continued and escalating costs, of its



failure to comply with its non-proliferation obligations. Rather than pursue the faint hope that the organization of coercive measures will force Iran's capitulation, a contain-and-engage strategy couples the pressures created by sanctions, diplomatic isolation and investment freezes with practical compromises and realizable security assurances to encourage Iran onto a verifiable, non-nuclear-weapons path.

### **The U.S. Interest in Pursuing a Strategy to Contain and Engage Iran**

The steps outlined above — targeted economic engagement, new security and political initiatives and renewed regional non-proliferation efforts across the Middle East — would position the United States to pursue a more ambitious agenda with Iran. Solving the nuclear issue would generate political momentum toward addressing other aspects of U.S.-Iran relations, such as the Middle East peace process.

It is possible, however, that the strategy outlined above may fail. Iran may decide that the value of its uranium-enrichment program outweighs the package of carrots and sticks outlined above. The contain-and-engage strategy positions the United States to carry forward a more effective, sustainable strategy for containing Iran's program compared to past U.S. policy.

It is unlikely that the United States could effectively contain Iran without the support of key allies and partners, most importantly, Russia and China. These partners, however, are unlikely to support an effective containment strategy unless they perceive that the United States has tried less coercive alternatives and remains open to a negotiated settlement. A strategy of contain-and-engage provides Iran with opportunities for rapprochement at the same time that it makes a strategy of containment more sustainable over time by attracting the support of key allies and partners.

In addition, the strategy would reduce the chances of an arms race in the Middle East. It would help assure U.S. allies that the United States remains a resolute partner in maintaining peace and security in the region.

If the strategy works, however, it could be the necessary first step towards dealing with the full range of issues in America's difficult relationship

with Iran. It could pave the way to easing the Sunni-Shia tensions stoked by the civil war in Iraq and Iran's rise. It could provide an opening to address Iran's relationship with Hamas and Hezbollah. Finally, over the long-term, it could plant the seeds of democratic change in Iran.

There is no guarantee of success, but without making the effort, there is a guarantee of failure.

## Overcoming the North Korean Nuclear Deadlock

### Robert NURICK

Consultant (United States)

My remarks on this important issue will touch two aspects of the problem. One has to do with the title of the session: "Overcoming the North Korean Deadlock." My own view is that this deadlock is not going to be overcome any time soon. I hope I do not shock this group when I say that I have no breathtaking new ideas that have not already surfaced about how to do it. Indeed, it seems to me that the all-important policy problem in the new term is precisely how to manage what may be quite a prolonged period of deadlock of this sort, that is, a period where there is little sign of constructive movement but when everyone knows that the situation is potentially fragile and unpredictable.

Second, I would like to pay attention to the issues related to the North Korean crisis — to the policy choices and debates here in Washington. To do that, it is necessary to briefly review recent history just to establish where we are now and how we got there.

As the title suggests, we are in a deadlock, which is now in the latest phase. What has become a depressing pattern, a pattern that goes back arguably to the early 1990's, are cycles that alternate: there are apparent diplomatic openings and hopeful signs of progress, followed by tension and

deterioration, followed in turn by attempts to restart diplomacy, and so on. There have been several such phases; in other words, this goes back quite some time.

The first obvious cycle could be seen around the year 1994. There was another very interesting and instructive one in the period roughly from 2002 to 2005, beginning with the period when in the winter of 2002-2003 the North Koreans first lifted their freeze on their nuclear activities, expelled the IAEA inspectors and then shortly thereafter declared their withdrawal from the NPT. By early 2005 it was announced that Pyongyang now had nuclear weapons, and this made Beijing and others start a round of diplomacy, which changed at the beginning of the Six-Party Talks hosted in Beijing. In September, these talks produced the well-known Statement of Principles, which are worth recalling because, from the point of view of U.S., South Korean and Japanese policy, they are still very much on the table.

The basic deal agreed to in the Statement of Principles was that the North Koreans would abandon their nuclear program; they would return to the NPT and restore the IAEA Safeguards in return for some security assurances in the provision of light water reactors to deal with their energy problems. This sign of progress sank or at least was upset by disputes about continuing U.S. economic sanctions, which the North Koreans felt violated the spirit if not the letter of the agreement they had reached. At that point the Six-Party Talks did not resume for quite some time. This period was punctuated then by the first North Korean nuclear test in October 2006, which then resulted in another round of UN Security Council sanctions.

The third and most recent such cycle was in the period from 2007 to 2008, and it resulted in yet another round of diplomatic action by the Chinese, the U.S., the South Koreans and others, which, in turn, resulted in an action plan. The North Koreans again promised to shut down the reactor, in return for oil as a fuel, and this was confirmed by the IAEA.

The North Koreans also promised to disable some key facilities at Yongbyon and submit a full declaration of their nuclear activities. By June of 2008, this declaration was finally submitted and at least one of the Yongbyon facilities — the cooling tower — was destroyed. The problem here was lack of agreement about the verification plan, and increasing tensions

finally resulted again in a breakdown. This, in turn, was followed by the most recent test in May of 2009, which then produced yet another round of UN Security Council sanctions followed by a very vigorous reaction from the North Koreans.

The point of all this is to remind ourselves that by a year ago, by the summer of 2009, the situation looked rather hopeless. This was a period when I think it is fair to say that the international community, or at least those parts of it that were allied with the United States in the Six-Party Talks, was becoming increasingly frustrated and distrustful of what the North Koreans were up to and increasingly tended to view North Korean diplomatic behavior as essentially based on extortion. This view was expressed vividly by Secretary of Defense Robert Gates at a meeting in Singapore last year, when he said: "I'm tired of buying the same horse twice." This is what he thought the North Koreans asked him to do. The situation, though, is as difficult as it was last summer, and, of course, it was seriously exacerbated this past March by the sinking of a South Korean warship with considerable loss of life. The multinational group investigating the incident concluded basically that the North Koreans did it, which the North Koreans vehemently denied.

Given all this, what may come next? Several points may be noted. One certainly has to do with the future of the Six-Party Talks themselves and in particular with the question of what are the conditions under which they can easily be resumed? The South Koreans, particularly after the Cheonan, have taken the position that for talks to resume, the North Koreans must essentially accept responsibility for that attack and apologize. Along with the U.S. and Japan, they have called on Pyongyang to show some readiness to denuclearize, that is, to demonstrate sincere readiness to implement their commitment to the Statement of Principles of 2005. For its part, North Korea has taken the position that for negotiations to resume, sanctions have to end, and, moreover, that they should start with bilateral talks with the U.S.

This summer there was some softening of the position towards North Korea. The first sign came after the Statement in the UN Security Council that condemned the attack of last March, but that did not specifically accuse Pyongyang of having executed it. This was seen, I think, by many as

providing a kind of diplomatic opening for the North Koreans.

In response they demonstrated that they need a much softer attitude to return to talks. The Chinese, in turn, gave clear signs that they hope for the early resumption of talks. There was a round of diplomacy this past summer and early fall that still produced no effect.

Much more recently there have been reports of potential changes in the U.S. position. Last week, in the *Washington Post*, the opinion was expressed that the U.S. policy should be reviewed because of worries that the current approach, essentially combining sanctions on one hand with a visibly tough military posture on the other, could lead to renewed conflict.

At present, in trying to understand where the Administration is at the moment, I still do not see a fundamental change of policy, at least not yet. I think the reports that appeared before may be an over-interpretation of what is happening. I think it is certainly true that there is a discomfort, some unease about the possibility of the prolonged absence of engagement. Indeed, one reason for this absence of results is connected with the fact that so far the U.S. has not been very precise about the steps that North Korea has to take before it is ready to resume negotiations in the Six-Party Talks. One of the reasons for this is that politicians do not want to raise bars that North Korea will not be able to jump over, though they recognize that they may need to make some more concrete suggestions later on.

In any case I do not see much readiness now to change the basic approach that the U.S. has taken. The U.S. has not ruled out bilateral talks with the North Koreans, but they made it clear that they are not going to engage in the absence of some kind of serious engagement between the North and the South. They certainly have not shown any willingness yet to modify the sanctions policy.

That brings me to the second big issue that has to do with sanctions: whether they are effective or not. The basic argument is that sanctions have not made North Korea more pliable, and that they won't. It is said that sanctions are not even an impediment to a negotiated solution, because they serve Pyongyang as a demonstration of U.S. hostility to the regime. The only result is that they have simply promoted tougher, more difficult behavior on the part of the North Koreans.

There is a minority view, which is getting more discussion and serious attention in Washington. It presupposes that North Korea is particularly vulnerable now because of the renewed economic crisis, exacerbated by flooding this summer, and therefore, with the right combination of patience on one hand and toughness on the other, the door may be opened to renew negotiations.

This in turn gets to the third issue, which is very much being discussed in Washington, and that is — what does North Korea really want, and what is it that explains its behavior? Two aspects are in the focus here: regime survival and security. There is a particular opinion that under certain present circumstances the regime will be willing to abandon the nuclear program if incentives arrive. Indeed, the negotiation track is meant in part to test this proposition.

There is, however, now a new view that is gaining some credibility not only here but also, for example, in London, which says that essentially what the North Koreans want is their recognition as a nuclear state. Then if the negotiations are not going to go very far, as long as this regime is in place, and we wait for the new regime to come, the outcome may be negative.

Finally, one very quick question that affects tactics here has to do with the leadership transition that is believed to be currently taking place in Pyongyang. The most common view is that the North Koreans will not be able to make the kinds of decisions necessary to get serious negotiations back on track until the transition has been accomplished. There is a contrary view, which may be heard in some parts of the Administration, which says that this actually may be the best time to get decisions, and that Kim Jong-il, in fact, is going to be anxious to settle some of these issues before the transition. The reason may be that when the transition of power to his youngest son happens, conditions will be very difficult for quite some time until the power relationships are settled. However, even some of the most optimistic will assume that we do not really know very well what is affecting the North Korean decisions, and that therefore we need to remain patient, which is an awkward word.

If this picture is remotely accurate, then I think we are in for some considerable period of deadlock, and I myself do not see prospects for progress,

at least in the near term. In this case a big policy question simply is how we deal with this period of stasis. Let me put it more succinctly: how do we hedge against the possibility that North Korea will not abandon its nuclear weapons and will not limit its dangerous and unconstructive behavior, without appearing to accept the inevitability of the legitimacy of a nuclear North Korea? This, by the way, is the problem we face with Iran too. This is the kind of issue that non-governmental groups need to focus on.

What then? What levers do we have? Some here in Washington believe that this new round of sanctions will work. I have not heard any good ideas about additional sanctions beyond the present targeted economic sanctions.

The much more interesting and controversial case has to do with China. This country has also gotten frustrated with North Korea, but it essentially wants two things. On one hand, the Chinese want denuclearization, and on the other, they want stability. The problem from Washington's point of view is that China views these two objectives in tension with each other, and tradeoffs have to be made between them. Clearly what the U.S. would like to do is to change that calculation and demonstrate to them that stability, particularly stability on the peninsula, requires denuclearization. If denuclearization does not occur, then the U.S. is going to continue to hedge visibly, along with the South Koreans and the Japanese. This means ballistic missile defense, military exercises, and reaffirming, as the U.S. has recently done, the validity of the nuclear deterrence of South Korea and its allies. Everything that the Administration representatives have said addressing China means: if you do not like this, then help us.

The last lever that I need to mention has to do with Russia. It's striking to me how little I have read and heard about Russia. However, it obviously matters as a member of the Six-Party Talks; it matters arguably even more as a member of the P5, but again, from the point of view of Washington, it potentially matters as another lever, not directly on North Korea, but on China. The view here is that China has in a sense hidden behind the Russians, the Russian position. China would feel very uncomfortable being isolated, and therefore, if Russia were to take a much more visibly tough position with the North Koreans, it would be easier to convince the Chinese to do so as well.



## **SESSION 3**



Chairman –  
**Sergey OZNOBISHCHEV,  
Ph.D.**

**Director of the Institute for Strategic  
Assessments (Russia)**

## **An Assessment of the 2010 NPT Review Conference**

**William POTTER, Ph.D.**

**Director of the James Martin Center for Non-proliferation Studies,  
Monterey Institute of International Studies (United States)**

I would like to begin by thanking the Luxembourg Forum for the opportunity to speak again at this distinguished gathering. I also apologize for not being able to attend the earlier sessions today, but I was presiding over my own Center's International Advisory Board meeting until 30 minutes ago.

The tasking I received from the organizers was to provide my assessment of the 2010 NPT Review Conference, a negotiation in which I had the opportunity to participate as a technical advisor to the delegation of Kyrgyzstan. I will be very selective in my remarks, but for those of you who are interested, I refer you to a longer analysis that appears on the CNS website.

The first observation I would make is that the process by which decisions were reached at the Rev Con very much resembles a Russian Matryoshka doll with multiple layers, most of which were only vaguely visible to the majority of diplomats at the conference. I am aware of at least three or four such layers (the relatively transparent deliberations in the Main Committees and Subsidiary Bodies in which all NPT countries could participate; the more restricted deliberations between the chairs of the SBs and some key delegates and delegations, the so-called "Focus Group," usually consisting of representatives from



16 major states; and an even smaller gathering of three individuals, including the Rev Con President, Libran Cabactulan, the Secretary of the Conference, and the head of the Norwegian delegation, who met regularly from the beginning of the Rev Con). I emphasize this point about process, not to criticize the operation of such multi-layered and confidential negotiations, but rather to call attention to the risks for those not involved in the process of making very mistaken inferences about the degree of international support for or opposition to some of the elements included in the consensus Final Document in the absence of knowledge about the manner in which bargains were struck outside of the view of most delegates. Although this feature is perhaps most relevant in terms of the readiness of a number of Non-Aligned Movement (NAM) members to accept much less than they sought on the disarmament front, due to the deal brokered by Egypt on the Middle East, it also is relevant to understanding what was and was not included with respect to non-proliferation and peaceful use.

The second general point I would make is that an extremely important innovation of the 2010 Rev Con was that its focus from the outset was to adopt a set of specific forward-looking recommendations in the form of action items. The great virtue of this approach is that we now have a scorecard with 64 specific benchmarks against which the NPT states parties can be judged during the next five-year review cycle on all of the treaty's three pillars, i.e., disarmament, non-proliferation and peaceful use.

My third observation is derived from my experience as a technical advisor to the small Central Asian state of Kyrgyzstan. From the standpoint of that country and also the other four CA states, the main achievement at the Rev Con was inclusion in the Final Document of language dealing with "nuclear safety and nuclear security" to the effect that "The Conference encourages all governments and international organizations that have expertise in the field of cleanup and disposal of radioactive contaminants to consider giving appropriate assistance as may be requested for remedial purposes in these affected areas..." I cite this rather obscure item, because it illustrates the larger point that most countries judge the success or failure of a Rev Con not in light of its overall accomplishments with respect to disarmament, non-proliferation and peaceful use, but in terms of how a very select number of issues of importance to the country in question are addressed. This principle applies not only to Egypt and the Arab states

with respect to the Middle East Resolution, but to almost all countries.

The other issue with which I was most directly engaged at the Rev Con was the surprisingly difficult struggle to get the Conference to adopt language dealing with nuclear terrorism, and more specifically, the need to minimize the use of highly enriched uranium (HEU) in the civilian nuclear sector. Although the conference ultimately included reasonable language on this subject in the form of Action 61 ("encouraging States concerned, on a voluntary basis, to further minimize highly enriched uranium in civilian stocks and use, where technically and economically feasible"), what should have been an easy and straightforward process due to support for similar language at the April 2010 Nuclear Security Summit by the two states that previously had been most critical of the initiative, South Africa and Egypt, turned out to be very difficult. One reason for this difficulty was the lack of priority attached to the issue by the U.S. delegation at the Conference and its failure to weigh in strongly with its allies when several of them sought to weaken the text. The larger lesson I derive from this episode is that even very large states, or perhaps especially large states with very large delegations, do not always act consistently in the pursuit of what some would regard as national positions, in part due to the staffing of delegations and a fixation on certain topics. In the case of one U.S. ally, for example, the country took a stand on HEU minimization at odds with its prior position because the party in charge of that issue on the delegation represented the energy ministry and had a view at odds with the MFA. In short, in case there ever was any doubt about the fact, personalities and bureaucratic interests can greatly affect the content of negotiated texts.

Ramifications of the U.S.-India Nuclear Deal: The penultimate point I would like to make is the lingering detrimental effects of the ill-considered U.S.-India nuclear deal in 2005 and the associated exemption at the NSG in 2008. This deal, for which I find it hard to discern any redeeming non-proliferation value, reverberated in all of the Main Committees and Subsidiary Bodies at the 2010 NPT Rev Con. The most heated debate I observed on the topic arose during the last week of the conference over the issue of whether or not the text should require that states treat Paragraph 12 of the 1995 Review and Extension Conference Decision on Principles and Objectives as applying to "existing" as well as "new" nuclear supplier arrangements. (Para 12 of the P & O's Decision specifically pro-

vides that recipients of all new nuclear arrangements as of 1995 are required as a necessary precondition to have comprehensive IAEA safeguards in place.) In arguing against the inclusion of the term "existing" agreements in the 2010 Rev Con text, the lead U.S. rep in the discussion said that while the U.S. Government was prepared to reaffirm its 1995 commitment, in fact it was a political and not legal obligation, and that regardless of what the Rev Con chose to say on the matter, the U.S. would not revise its stance on the U.S.-India nuclear deal, a stance echoed by France. The unfortunate message sent by these interventions is that states can pick and choose to implement whatever elements of NPT Rev Con decisions they care to, while disavowing others that no longer strike their fancy. It is an approach that makes it very difficult to hold states to their NPT obligations.

Middle East Recommendations: There is little doubt that had NPT parties failed to negotiate some modest new language related to implementation of the 1995 Middle East Resolution, there would have been no consensus 2010 Final Document. My CNS colleagues and I have described elsewhere the convoluted process by which this consensus was reached. Here, all I want to do is to highlight that the language agreed upon was the product of flexibility on the part of a number of countries, most importantly Egypt, the United States, and, to the surprise of many observers, Iran. It also was by no means a foregone conclusion that a compromise could be worked out, and it was unclear until mid-morning of the last day of the Conference what the final position of the United States would be. When Washington ultimately agreed to the mild reference to Israel in the document, a deal was reached that Egypt and its Arab allies could not refuse. It then was left to Iran to either make or break the conference, and, at the last moment, reportedly after appeals to Tehran by the Russian foreign minister, among others, Iran agreed to join the consensus.

Having achieved what it sought on the Middle East, Egypt, in its capacity as Chair of NAM, masterfully brought the large and often unwieldy non-aligned group on board to support the Final Document, despite the strong reservations many of them had about its perceived shortcomings on disarmament.

Conclusion: I believe last March in Vienna when I spoke about my expectations for the Review Conference, I cautioned against equating a successful NPT Rev Con outcome with a consensus document and noted the surreal quality of

many review conference deliberations, in which the most pressing proliferation and disarmament challenges often are ignored in order to forge a lowest common denominator accord. At the time, I worried that the *New York Times* might run a one paragraph story on page 7 about the successful conclusion of the conference, while on the front page there were headlines about "CTBTO Discerns Suspicious Seismic Event on the Korean Peninsula," "Iran Announces Plans for a Peaceful Nuclear Explosion as Permitted Under Article V of the NPT," and "Russian Duma and U.S. Senate Reject START Follow-on Treaty in Coordinated Action." Although I was nervous until the last moment that my prophecy about another DPRK nuclear test might take place, in the end there were no competing nuclear disasters on May 29 to detract from the story on page 11 of the NYT about President Cabactulan's success at the Review Conference.

The real test for the Rev Con, however, lies ahead and relates to the readiness of key states to implement its recommendations, especially those relevant to the Middle East. This is an area, in particular, where U.S.-Russian cooperation has the potential to make or break not only implementation of the recommendations on the Middle East but also every other major Action Item in the disarmament sphere, NAM support for which is integrally linked to action on the Middle East. The first big test for such cooperation will come later this week at the IAEA General Conference, when the Arab states will decide whether or not to push for adoption of a very contentious resolution dealing with Israel's nuclear capability. How that plays out will be a good indication of the prospects for implementing not only the Review Conference's recommendations on the Middle East but also those pertaining to all three pillars of the NPT.





## **APPENDICES**

## APPENDIX 1

### Unofficial Translation

#### Address

**by Dmitriy Medvedev,  
President of the Russian Federation  
to the Meeting of the Supervisory Council  
of the International Luxembourg Forum on  
Preventing Nuclear Catastrophe,  
December 8, 2010; Moscow**

I am pleased to greet in Moscow the members of the Supervisory Council of the Luxembourg Forum, a highly respected international organization of nuclear non-proliferation experts.

We appreciate the Forum's activities aimed at reinforcing the Nuclear Non-Proliferation Treaty regime, improving the arms control mechanism and preventing the threat of nuclear terrorism. Your proposals and recommendations are put to practical use as the global community works to achieve these two noble purposes.

The Forum's goals are in complete agreement with Russia's policy of building a safer and more stable world order and encouraging all members of the global community to strictly observe universal principles and international law.

I wish the Luxembourg Forum continued success in its productive activities as it makes a major contribution to global efforts to ensure a peaceful future for the whole of humanity.

D. Medvedev

## APPENDIX 2

### Final Document

**of the International Luxembourg  
Forum Conference on Preventing  
Nuclear Catastrophe**

**(September 20–21, 2010, Washington, D.C.)**

The participants in the International Luxembourg Forum Conference on Preventing Nuclear Catastrophe view this year's accomplishments in the area of nuclear non-proliferation and disarmament with favor, seeing them as having laid the groundwork for revitalizing the process of improving world nuclear security after many years of stagnation and setback.

The highlights of the year in bilateral and multilateral diplomacy include the conclusion of a new U.S.-Russian START Treaty in Prague, the holding of a conference on the security of nuclear materials and technologies in Washington, and the successful adoption of the Final Document at the NPT Review Conference in New York. We note that a number of the practical international agreements and official declarations have implemented key recommendations coming from Luxembourg Forum meetings and documents.

A number of important additional steps remain to be taken that would make the progress achieved irreversible.

**First**, with regard to nuclear disarmament, priority must be given to successfully ratifying the new START Treaty in the nearest future, based upon the

positive resolutions passed by the U.S. and Russian legislatures. We consider this treaty to be a modest but necessary and substantive step in the direction of nuclear disarmament through well-balanced, equal, stabilizing, and verifiable strategic arms reductions. It will improve security for the two parties, their allies, and the world as a whole, and will further diminish the threat of nuclear war, slow down weapons modernization programs and reduce military expenditures.

**Second**, in order to sustain the START process, priority must be given to initiating comprehensive consultations without delay between the U.S., Russia and the European NATO states aimed at developing joint ballistic missile defense systems. In order to head off endless debate on missile threats, it would be prudent to begin by reviving some of the past projects that have been left in limbo in recent years. Primarily, this would concern the Joint Data Exchange Center (JDEC) project on missile and space launches associated with the 2002 Joint Declaration on the New Strategic Relationship. The JDEC should be implemented without further delay and be allowed to function in real time as the first link in a U.S.-NATO-Russian ballistic missile early warning system. Additional centers could be established in the U.S. and NATO countries (Brussels).

In addition, the joint U.S.-Russian-NATO BMD exercises must be resumed and potentially expanded beyond theater of war operations.

**Third**. Parallel U.S.-Russian consultations should begin on a follow-up START agreement having a goal of reducing the numbers of strategic offensive arms even further (to 1000-1200 warheads) once the new treaty has been enacted, i.e., aiming at a date earlier than by the expiration date of the Prague Treaty (2020). Within the context of these consultations, a number of issues relating to the follow-up treaty should be discussed: the institution of mutually acceptable forms and stages of offensive strategic arms reductions and limitations; development of joint defensive strategic systems; the problems of converting strategic systems to deliver precision guided conventional weapons under mutually acceptable conditions and limiting the upload capabilities of operationally deployed strategic forces; realistic rules for calculating load capacity; greater transparency; a broader verification regime and better predictability of force development. Of special importance for the proposed consultations is the question of timing and the approach to be used for engaging third nuclear weapons states in the nuclear arms limitation and reduction process.

**Fourth**. The participants recognize that the full potential represented by the Presidential Nuclear Initiatives of 1991/92 has yet to be realized by Russia and the U.S. As an important step in this direction, Russia could announce the total number of nuclear charges that it has in its active arsenal; an additional step could be to announce the number of tactical nuclear weapons that Russia has eliminated since 1991, as well as the number of nuclear charges awaiting dismantlement.

The U.S. and Russia should also begin consultations on implementing reductions and limitations on sub-strategic, or theater nuclear weapons (TNW), in particular concerning the criteria used for assigning weapons to this class, the specific rules for counting them, and the principles and possibilities for verification. We believe that the goal of this process should be to reach agreement on the reciprocal and verifiable withdrawal of all TNW to within national boundaries and their warehousing in centralized storage facilities, i.e., their removal from a state of operational deployment. This could be done either as a prelude to or in conjunction with the gradual verifiable elimination of such weapons together with the strategic nuclear warheads removed from operationally deployed strategic forces.

**Fifth**. Step-by-step, the other nuclear states, primarily the United Kingdom, France and China, should be brought into the nuclear arms limitation process. To that end, it would be helpful during the first stage if they were to unilaterally and voluntarily agree to the obligations and the kind of confidence-building and transparency measures that have been applied to Russia and the United States under the new START Treaty. Unilateral moves by Britain and France towards greater transparency and predictability in their nuclear forces would provide a good basis for the establishment of such a regime.

**Sixth**. In parallel with the TNW consultations, NATO and Russia should resume consultations on conventional armed forces and weapons limitations in Europe with the goal of reviving the Adapted CFE Treaty. A first step in that direction could be to resurrect the transparency and verification regimes of the Adapted CFE and the promise not to exceed territorial and national quotas. By designating the South Caucasus as a special region, the NATO states would be able to begin the ratification of the Adapted CFE Treaty, with Russia returning to full compliance with the requirements of the core CFE Treaty. During negotia-

tions on these follow-up agreements, all of the parties should also agree to give consideration to Russian demands on ideas to improve the Treaty and on including the Baltic states in the Treaty, as well as possible additional proposals from NATO and the CIS states.

**Seventh.** An important step for the short term period must be the coming into force of the Comprehensive Test Ban Treaty (CTBT). This means that it must be ratified by the United States, the People's Republic of China, and other countries without whose participation said treaty cannot enter into force. In that regard, the participants of the conference are pleased to note the importance of the commitment expressed by the current U.S. Administration.

**Eighth.** We insist in the strongest possible terms that Iran fully implement all of the six relevant UN Security Council resolutions on the Iranian nuclear program. The prolonged crisis over this issue and the high state of readiness of the Iranian fuel cycle complex for weapons-grade enrichment present a great threat to the sustainability of the nuclear non-proliferation regime and peace and stability in the Middle East and exacerbate the danger of nuclear terrorism.

We believe that highest priority should be attached to having Iran ratify and fully implement the 1997 Additional Protocol. All further expansion of Iran's industrial uranium enrichment capacities must cease without delay, and eventually Iran should submit to agreed-upon limits and full transparency under IAEA safeguards.

Once all of the outstanding issues have been resolved with the IAEA, Iran should enjoy equal and non-discriminatory standards of treatment in keeping with NPT rules. Iranian declarations on the peaceful intent of its nuclear activities are to be welcomed and should be understood as a binding political commitment to be embodied in practice in actual agreements. In return, Iran should be given explicit security assurances and the promise that they will not be attacked if they do not initiate any attacks.

Negotiations on the establishment of a Nuclear Free Zone in the Middle East as part of the overall security arrangements should be promoted at the appropriate international forums, as recommended in the 2010 NPT Review Conference Final Document.

If Iran fails to meet its international obligations, the international community should initiate additional measures to further restrict economic coopera-

tion with Iran and should pursue all measures necessary that fully reflect the requirements of Article 41 of the UN Charter.

**Ninth.** The North Korean military nuclear program and its continuing efforts to develop and test a new generation of long-range missiles, together with its provocative actions and declarations, call for considerably more stringent sanctions to be imposed by the United Nations Security Council in full accord with Article 41 of the United Nations Charter.

North Korea must comply with the obligations it assumed under the September 2005 Statement of Principles, dismantle its nuclear materials program and return to NPT compliance in exchange for receiving security assurances that they will not be attacked if they themselves do not initiate an attack.

Should negotiations with the DPRK resume, the first priority should be the re-institution of IAEA inspections and monitoring at all of its nuclear facilities. Subsequently, its existing nuclear explosive devices must be dismantled and their materials recycled, and all of its military nuclear activities must cease in return for the security guarantees, economic cooperation and humanitarian assistance promised by the nations of the North Pacific region.

**Tenth.** The participants in the Luxembourg Forum conference consider it essential that negotiations resume without delay on concluding an FMCT without linkage to any other issue. For the first stage, a possibility would be to restrict the agreement to the five NPT nuclear weapon states and to confine it to a ban on producing weapons-grade uranium. Simultaneously, these nations could place all of their enrichment facilities under IAEA safeguards as a way to verify compliance with said agreement. This would have the important positive effect of enhancing the NPT regimes and facilitating efforts aimed at internationalizing the nuclear fuel cycles.

It could also stimulate further progress towards an FMCT/FMT, including by expanding the initial uranium agreement to all states and eventually banning the production of weapons-grade plutonium altogether. The longer term goal should be to establish a regime of transparency, accounting and limitation of all stocks of weapons-grade uranium and plutonium so as to clear the way for actually dismantling the nuclear warheads and utilizing the nuclear materials removed from weapons and from weapon stockpiles for peaceful purposes.

**Eleventh.** Within the framework of the Conference on Disarmament or other suitable forum, substantive negotiations should commence on preventing an arms race in outer space. To facilitate this process, the participants in the Luxembourg Forum conference propose that the three states that have tested space (anti-satellite) weapons in the past (i.e., the United States, Russia and China) come to agreement on a verifiable ban on testing of any type of weapon deployed in space against any object in space (satellite, ballistic missile or the elements of such in flight trajectory) and a verifiable ban on testing weapons of any type, no matter where deployed, against objects (satellites) in space. Such a testing ban on targeting and destroying actual targets would tangibly and verifiably limit the development of space-based BMD interception systems and anti-satellite systems of any basing mode and would simultaneously reduce the amount of space debris that threatens civilian and military support assets in space.

An important step in this direction would be for a Code of Conduct to be adopted covering activities in outer space.

**Twelfth.** In an effort to reinforce the non-proliferation regime, the conference appeals to the NPT member states to agree to expand the monitoring activities of the IAEA and to allocate the resources necessary to do so. Above all, they should work to transform the 1997 Additional Protocol into a universally recognized standard for verifying compliance with NPT obligations, and also to introduce new regulations relating to nuclear exports. The five NPT nuclear weapon states should agree on a common set of priorities and persuade the NSG to include this Protocol in all future contracts to be ratified that relate to the transfer of nuclear materials and technologies.

We believe that the next priority should be to include a provision in all such contracts that requires an NPT member state to return or to dismantle and destroy all materials and technologies it has acquired should it decide to withdraw from the Treaty as provided by Article X.1 of the NPT.

The aforementioned proposal calling for the five NPT nuclear weapon states to place their nuclear fuel facilities under IAEA safeguards would significantly enhance their political standing for achieving the priorities listed above.

The 2010 NPT Review Conference treated the continued expansion of the Nuclear-Weapons-Free Zones project as an important issue. We consider this project to be important and positive, provided that the security of all states in-

involved can be reliably ensured under legally binding agreements, and that all hostile statements and acts disputing their right to exist can be strictly prohibited and punished as aggressive acts.

All available means must also be employed to develop multilateral approaches that provide economically sound and practicable alternatives to the production of the more critical nuclear fuel cycle elements by individual nations.

The role of the UN Security Council in strengthening and enforcing the NPT regimes must be broadened significantly.

**Thirteenth.** The participants in the Conference recommend that research be conducted to determine the critical parameters and criteria to be used to measure compliance with international non-proliferation obligations and identify behavior that could seriously threaten international security. These criteria could serve as red lines to warn the international community if there has been a transgression that requires urgent action.

### Members of the Supervisory and Advisory Councils of the International Luxembourg Forum

1. **Viatcheslav KANTOR** *President of the International Luxembourg Forum on Preventing Nuclear Catastrophe; President of the European Jewish Congress; Ph.D. (Russia).*
2. **Alexei ARBATOV** *Head of the Center for International Security of the Institute for World Economy and International Relations (IMEMO), Russian Academy of Sciences (RAS); Scholar-in-Residence of the Carnegie Moscow Center (former Deputy Chairman of the Defense Committee of the State Duma, Federal Assembly – Russian Parliament); Corresponding member (RAS, Russia).*
3. **Joseph CIRINCIONE** *President of the Ploughshares Fund (United States).*

4. **Anatoliy DIAKOV** *Director of the Center for Arms Control, Energy and Environmental Studies of the Moscow Institute of Physics and Technology; Ph.D. (Russia).*
5. **Vladimir DVORKIN** *Head of the Organizing Committee, International Luxembourg Forum; Principal Researcher of the IMEMO (RAS, former Director of the 4th Major Institute of the Ministry of Defense); Professor; Major-General, ret. (Russia).*
6. **Susan EISENHOWER** *President of the Eisenhower Group (United States).*
7. **Rolf EKEUS** *Chairman of the Governing Board, Stockholm International Peace Research Institute (former High Commissioner on National Minorities at the OSCE); Ambassador (Sweden).*
8. **Henry GAFFNEY** *Director for Strategy and Concepts in the Center for Naval Analyses, CNA Corporation; Ph.D. (United States).*
9. **Igor IVANOV** *Professor of the Moscow State Institute for International Relations (former Foreign Minister of the Russian Federation, Secretary of the Security Council of the Russian Federation); Ph.D. (Russia).*
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12. **Sam NUNN** *Co-Chairman and Chief Executive Officer of the Nuclear Threat Initiative (former Chairman of the Armed Services Committee and the Permanent Subcommittee on Investigations of the U.S. Senate, United States).*
13. **Robert NURICK** *Consultant (former Director of the Carnegie Moscow Center, United States).*
14. **Sergey OZNOBISHCHEV** *Director of the Institute for Strategic Assessments; Professor of the Moscow State Institute for International Relations and the Higher School of Economics (former Chief of the Organizational Analytic Division, RAS); Ph.D. (Russia).*
15. **William POTTER** *Director James Martin Center for Non-proliferation Studies and Professor of Non-proliferation Studies, Monterey Institute of International Studies; Ph.D. (United States).*
16. **Roald SAGDEEV** *Distinguished Professor of Physics and Director of the "East-West" Center at the University of Maryland; Director Emeritus of the Russian Space Research Institute; Academician (RAS, Russia/ United States).*
17. **John STEINBRUNER** *Professor of the School of Public Policy; Director of the Center for International and Security Studies at the University of Maryland; Ph.D. (United States).*



## APPENDIX 3

### Normative Documents on Nuclear Non-proliferation

#### 3.1. The Treaty on the Non-proliferation of Nuclear Weapons, July 1, 1968; Moscow, London and Washington

*The States concluding* this Treaty, hereinafter referred to as the «Parties to the Treaty»,

*Considering* the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

*Believing* that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

*In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,*

*Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,*

*Expressing* their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

*Affirming* the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products

which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties of the Treaty, whether nuclear-weapon or non-nuclear weapon States,

*Convinced* that, in furtherance of this principle, all Parties to the Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

*Declaring* their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to undertake effective measures in the direction of nuclear disarmament,

*Urging* the cooperation of all States in the attainment of this objective,

*Recalling* the determination expressed by the Parties to the 1963 Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

*Desiring* to further the easing of international tension and the strengthening of trust between States in order to facilitate

the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,

*Recalling* that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources,

*Have agreed as follows:*

#### ARTICLE I

Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

#### ARTICLE II

Each non-nuclear-weapon State Party to the Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

#### ARTICLE III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this article shall be applied to all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.
2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.
3. The safeguards required by this article shall be implemented in a manner designed to comply with article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of

nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this article and the principle of safeguarding set forth in the Preamble of the Treaty.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International Atomic Energy Agency to meet the requirements of this article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification or accession after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

#### ARTICLE IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of this Treaty.
2. All the Parties to the Treaty undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories

of non-nuclear-weapon States Party to the Treaty, with due consideration for the needs of the developing areas of the world.

#### ARTICLE V

Each party to the Treaty undertakes to take appropriate measures to ensure that, in accordance with this Treaty, under appropriate international observation and through appropriate international procedures, potential benefits from any peaceful applications of nuclear explosions will be made available to non-nuclear-weapon States Party to the Treaty on a nondiscriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. Non-nuclear-weapon States Party to the Treaty shall be able to obtain such benefits, pursuant to a special international agreement or agreements, through an appropriate international body with adequate representation of non-nuclear-weapon States. Negotiations on this subject shall commence as soon as possible after the Treaty enters into force. Non-nuclear-weapon States Party to the Treaty so desiring may also obtain such benefits pursuant to bilateral agreements.

#### ARTICLE VI

Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control.

#### ARTICLE VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

#### ARTICLE VIII

1. Any Party to the Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.
2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of such instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to the Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.
3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments,

the convening of further conferences with the same objective of reviewing the operation of the Treaty.

#### ARTICLE IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.
2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics, which are hereby designated the Depositary Governments.
3. This Treaty shall enter into force after its ratification by the States, the Governments of which are designated Depositaries of the Treaty, and forty other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.
4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.
5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.



6. This Treaty shall be registered by the Depositary Governments pursuant to article 102 of the Charter of the United Nations.

taken by a majority of the Parties to the Treaty.

**ARTICLE X**

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.
2. Twenty-five years after the entry into force of the Treaty, a conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be

**ARTICLE XI**

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorized, have signed this Treaty.

DONE in triplicate, at the cities of Washington, London and Moscow, this first day of July one thousand nine hundred sixty-eight.

**Source:** Roland Timerbaev, *Russia and Nuclear Non-Proliferation, 1945-1968* (Moscow, 1999), pp.354 – 359.

**3.2. United Nations Security Council Resolution 1874 (North Korea), June 12, 2009; New-York**

*The Security Council,*

*Recalling* its previous relevant resolutions, including resolution 825 (1993), resolution 1540 (2004), resolution 1695 (2006), and, in particular, resolution 1718 (2006), as well as the statements of its President of 6 October 2006 (S/PRST/2006/41) and 13 April 2009 (S/PRST/2009/7),

*Reaffirming* that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security,

*Expressing* the gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea ("the DPRK") on 25 May 2009 (local time) in violation of resolution 1718 (2006), and at the challenge such a test constitutes to the Treaty on Non-Proliferation of Nuclear Weapons ("the NPT") and to international efforts aimed at strengthening the global regime of non-proliferation of nuclear weapons towards the 2010 NPT Review Conference, and the danger it poses to peace and stability in the region and beyond,

*Stressing* its collective support for the NPT and commitment to strengthen the Treaty in all its aspects, and global efforts towards nuclear non-proliferation and nuclear disarmament, and recalling that the DPRK cannot

have the status of a nuclear-weapon state in accordance with the NPT in any case,

*Deploring* the DPRK's announcement of withdrawal from the NPT and its pursuit of nuclear weapons,

*Underlining* once again the importance that the DPRK respond to other security and humanitarian concerns of the international community,

*Underlining* also that measures imposed by this resolution are not intended to have adverse humanitarian consequences for the civilian population of the DPRK,

*Expressing* its gravest concern that the nuclear test and missile activities carried out by the DPRK have further generated increased tension in the region and beyond, and determining that there continues to exist a clear threat to international peace and security,

*Reaffirming* the importance that all Member States uphold the purposes and principles of the Charter of the United Nations,

*Acting* under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

1. *Condemns* in the strongest terms the nuclear test conducted by the DPRK on 25

- May 2009 (local time) in violation and flagrant disregard of its relevant resolutions, in particular resolutions 1695 (2006) and 1718 (2006), and the statement of its President of 13 April 2009 (S/PRST/2009/7);
2. *Demands* that the DPRK not conduct any further nuclear test or any launch using ballistic missile technology;
  3. *Decides* that the DPRK shall suspend all activities related to its ballistic missile programme and in this context re-establish its pre-existing commitments to a moratorium on missile launches;
  4. *Demands* that the DPRK immediately comply fully with its obligations under relevant Security Council resolutions, in particular resolution 1718 (2006);
  5. *Demands* that the DPRK immediately retract its announcement of withdrawal from the NPT;
  6. *Demands* further that the DPRK return at an early date to the NPT and International Atomic Energy Agency (IAEA) safeguards, bearing in mind the rights and obligations of States Parties to the NPT, and underlines the need for all States Parties to the NPT to continue to comply with their Treaty obligations;
  7. *Calls upon* all Member States to implement their obligations pursuant to resolution 1718 (2006), including with respect to designations made by the Committee established pursuant to resolution 1718 (2006) ("the Committee") pursuant to the statement of its President of 13 April 2009 (S/PRST/2009/7);
  8. *Decides* that the DPRK shall abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner and immediately cease all related activities, shall act strictly in accordance with the obligations applicable to parties under the NPT and the terms and conditions of the IAEA Safeguards Agreement (IAEA INFCIRC/403) and shall provide the IAEA transparency measures extending beyond these requirements, including such access to individuals, documentation, equipment and facilities as may be required and deemed necessary by the IAEA;
  9. *Decides* that the measures in paragraph 8 (b) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms or materiel;
  10. *Decides* that the measures in paragraph 8 (a) of resolution 1718 (2006) shall also apply to all arms and related materiel, as well as to financial transactions, technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of such arms, except for small arms and light weapons and their related materiel, and calls upon States to exercise vigilance over the direct or indirect supply, sale or transfer to the DPRK of small arms or light weapons, and further decides that States shall notify the Committee at least five days prior to selling, supplying or transferring small arms or light weapons to the DPRK;
  11. *Calls upon* all States to inspect, in accordance with their national authorities and legislation, and consistent with international law, all cargo to and from the DPRK, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraph 8 (a), 8 (b), or 8 (c) of resolution 1718 or by paragraph 9 or 10 of this resolution, for the purpose of ensuring strict implementation of those provisions;
  12. *Calls upon* all Member States to inspect vessels, with the consent of the flag State, on the high seas, if they have information that provides reasonable grounds to believe that the cargo of such vessels contains items the supply, sale, transfer, or export of which is prohibited by paragraph 8 (a), 8 (b), or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of this resolution, for the purpose of ensuring strict implementation of those provisions;
  13. *Calls upon* all States to cooperate with inspections pursuant to paragraphs 11 and 12, and, if the flag State does not consent to inspection on the high seas, decides that the flag State shall direct the vessel to proceed to an appropriate and convenient port for the required inspection by the local authorities pursuant to paragraph 11;
  14. *Decides* to authorize all Member States to, and that all Member States shall, seize and dispose of items the supply, sale, transfer, or export of which is prohibited by paragraph 8 (a), 8 (b), or 8 (c) of resolution 1718 or by paragraph 9 or 10 of this resolution that are identified in inspections pursuant to paragraph 11, 12, or 13 in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction of 29 April 1997, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972, and decides further that all States shall cooperate in such efforts;
  15. *Requires* any Member State, when it undertakes an inspection pursuant to paragraph 11, 12, or 13, or seizes and disposes of cargo pursuant to paragraph 14, to submit promptly reports containing relevant details to the Committee on the inspection, seizure and disposal;
  16. *Requires* any Member State, when it does not receive the cooperation of a flag State pursuant to paragraph 12 or 13 to submit promptly to the Committee a report containing relevant details;
  17. *Decides* that Member States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to DPRK vessels if they have information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by paragraph 8 (a), 8 (b), or 8 (c) of resolution 1718 (2006) or by paragraph 9 or 10 of this resolution, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and underlines that this paragraph is not intended to affect legal economic activities;
  18. *Calls upon* Member States, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction.

- tion or that hereafter become subject to their jurisdiction, that are associated with such programs or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;
19. *Calls upon* all Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance, or concessional loans to the DPRK, except for humanitarian and developmental purposes directly addressing the needs of the civilian population, or the promotion of denuclearization, and also calls upon States to exercise enhanced vigilance with a view to reducing current commitments;
  20. *Calls upon* all Member States not to provide public financial support for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the DPRK's nuclear-related or ballistic missile-related or other WMD-related programs or activities;
  21. *Emphasizes* that all Member States should comply with the provisions of paragraphs 8 (a) (iii) and 8 (d) of resolution 1718 (2006) without prejudice to the activities of the diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations;
  22. *Calls upon* all Member States to report to the Security Council within forty-five days of the adoption of this resolution and thereafter upon request by the Committee on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as paragraphs 9 and 10 of this resolution, as well as financial measures set out in paragraphs 18, 19 and 20 of this resolution;
  23. *Decides* that the measures set out at paragraphs 8 (a), 8 (b) and 8 (c) of resolution 1718 (2006) shall also apply to the items listed in INFCIRC/254/Rev.9/Part 1a and INFCIRC/254/Rev.7/Part 2a;
  24. *Decides* to adjust the measures imposed by paragraph 8 of resolution 1718 (2006) and this resolution, including through the designation of entities, goods, and individuals, and directs the Committee to undertake its tasks to this effect and to report to the Security Council within thirty days of adoption of this resolution, and further decides that, if the Committee has not acted, then the Security Council will complete action to adjust the measures within seven days of receiving that report;
  25. *Decides* that the Committee shall intensify its efforts to promote the full implementation of resolution 1718 (2006), the statement of its President of 13 April 2009 (S/PRST/2009/7) and this resolution, through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council by 15 July 2009, and that it shall also receive and consider reports from Member States pursuant to paragraphs 10, 15, 16 and 22 of this resolution;
  26. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to seven experts ("Panel of Experts"), acting under the direction of the Committee to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in resolution 1718 (2006) and the functions specified in paragraph 25 of this resolution; (b) gather, examine and analyze information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures imposed in resolution 1718 (2006) and in this resolution, in particular incidents of non-compliance; (c) make recommendations on actions the Council, or the Committee or Member States, may consider to improve implementation of the measures imposed in resolution 1718 (2006) and in this resolution; and (d) provide an interim report on its work to the Council no later than 90 days after adoption of this resolution, and a final report to the Council no later than 30 days prior to termination of its mandate with its findings and recommendations;
  27. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures imposed by resolution 1718 (2006) and this resolution;
  28. *Calls upon* all Member States to exercise vigilance and prevent specialized teaching or training of DPRK nationals within their territories or by their nationals, of disciplines which could contribute to the DPRK's proliferation sensitive nuclear activities and the development of nuclear weapon delivery systems;
  29. *Calls upon* the DPRK to join the Comprehensive Nuclear-Test-Ban Treaty at the earliest date;
  30. *Supports* peaceful dialogue, calls upon the DPRK to return immediately to the Six Party Talks without precondition, and urges all the participants to intensify their efforts on the full and expeditious implementation of the Joint Statement issued on 19 September 2005 and the joint documents of 13 February 2007 and 3 October 2007, by China, the DPRK, Japan, the Republic of Korea, the Russian Federation and the United States, with a view to achieving the verifiable denuclearization of the Korean Peninsula and to maintain peace and stability on the Korean Peninsula and in north-east Asia;
  31. *Expresses* its commitment to a peaceful, diplomatic and political solution to the situation and welcomes efforts by Council members as well as other Member States to facilitate a peaceful and comprehensive solution through dialogue and to refrain from any actions that might aggravate tensions;
  32. *Affirms* that it shall keep the DPRK's actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in paragraph 8 of resolution 1718 (2006) and relevant paragraphs of this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at that time in light of the DPRK's compliance with relevant provisions of resolution 1718 (2006) and this resolution;
  33. *Underlines* that further decisions will be required, should additional measures be necessary;
  34. *Decides* to remain actively seized of the matter.
- Source:** United Nations Security Council Resolution 1874/ United Nations' official site// <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/368/49/PDF/N0936849.pdf?OpenElement>.

### 3.3. United Nations Security Council Resolution 1929 (Iran), June 9, 2010; New-York

*The Security Council,*

*Recalling* the Statement of its President, S/PRST/2006/15, and its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1887 (2009) and reaffirming their provisions,

*Reaffirming* its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with all their obligations, and *recalling* the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,

*Recalling* the resolution of the IAEA Board of Governors (GOV/2006/14), which states that a solution to the Iranian nuclear issue would contribute to global non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery,

*Noting* with serious concern that, as confirmed by the reports of 27 February 2006 (GOV/2006/15), 8 June 2006 (GOV/2006/38), 31 August 2006 (GOV/2006/53), 14 November 2006 (GOV/2006/64), 22 February 2007 (GOV/2007/8), 23 May 2007 (GOV/2007/22), 30 August 2007 (GOV/2007/48), 15 No-

vember 2007 (GOV/2007/58), 22 February 2008 (GOV/2008/4), 26 May 2008 (GOV/2008/15), 15 September 2008 (GOV/2008/38), 19 November 2008 (GOV/2008/59), 19 February 2009 (GOV/2009/8), 5 June 2009 (GOV/2009/35), 28 August 2009 (GOV/2009/55), 16 November 2009 (GOV/2009/74), 18 February 2010 (GOV/2010/10) and 31 May 2010 (GOV/2010/28) of the Director General of the International Atomic Energy Agency (IAEA), Iran has not established full and sustained suspension of all enrichment-related and re-processing activities and heavy water-related projects as set out in resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) nor resumed its cooperation with the IAEA under the Additional Protocol, nor cooperated with the IAEA in connection with the remaining issues of concern, which need to be clarified to exclude the possibility of military dimensions of Iran's nuclear programme, nor taken the other steps required by the IAEA Board of Governors, nor complied with the provisions of Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) and which are essential to build confidence, and deploring Iran's refusal to take these steps,

*Reaffirming* that outstanding issues can be best resolved and confidence built in the ex-

clusively peaceful nature of Iran's nuclear programme by Iran responding positively to all the calls which the Council and the IAEA Board of Governors have made on Iran,

*Noting* with serious concern the role of elements of the Islamic Revolutionary Guard Corps (IRGC, also known as "Army of the Guardians of the Islamic Revolution"), including those specified in Annex D and E of resolution 1737 (2006), Annex I of resolution 1747 (2007) and Annex II of this resolution, in Iran's proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems,

*Noting* with serious concern that Iran has constructed an enrichment facility at Qom in breach of its obligations to suspend all enrichment-related activities, and that Iran failed to notify it to the IAEA until September 2009, which is inconsistent with its obligations under the Subsidiary Arrangements to its Safeguards Agreement,

*Also noting* the resolution of the IAEA Board of Governors (GOV/2009/82), which urges Iran to suspend immediately construction at Qom, and to clarify the facility's purpose, chronology of design and construction, and calls upon Iran to confirm, as requested by the IAEA, that it has not taken a decision to construct, or authorize construction of, any other nuclear facility which has as yet not been declared to the IAEA,

*Noting* with serious concern that Iran has enriched uranium to 20 per cent, and did so without notifying the IAEA with sufficient time for it to adjust the existing safeguards procedures,

*Noting* with concern that Iran has taken issue with the IAEA's right to verify design information which had been provided by Iran pursuant to the modified Code 3.1, and emphasizing that in accordance with Article 39 of Iran's Safeguards Agreement Code 3.1 cannot be modified nor suspended unilater-

ally and that the IAEA's right to verify design information provided to it is a continuing right, which is not dependent on the stage of construction of, or the presence of nuclear material at, a facility,

*Reiterating* its determination to reinforce the authority of the IAEA, strongly supporting the role of the IAEA Board of Governors, and commending the IAEA for its efforts to resolve outstanding issues relating to Iran's nuclear programme,

*Expressing* the conviction that the suspension set out in paragraph 2 of resolution 1737 (2006) as well as full, verified Iranian compliance with the requirements set out by the IAEA Board of Governors would contribute to a diplomatic, negotiated solution that guarantees Iran's nuclear programme is for exclusively peaceful purposes,

*Emphasizing* the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear programme is exclusively for peaceful purposes and noting in this regard the efforts of Turkey and Brazil towards an agreement with Iran on the Tehran Research Reactor that could serve as a confidence-building measure,

*Emphasizing* also, however, in the context of these efforts, the importance of Iran addressing the core issues related to its nuclear programme,

*Stressing* that China, France, Germany, the Russian Federation, the United Kingdom and the United States are willing to take further concrete measures on exploring an overall strategy of resolving the Iranian nuclear issue through negotiation on the basis of their June 2006 proposals (S/2006/521) and their June 2008 proposals (INFCIRC/730), and noting the confirmation by these countries that once the confidence of the international community in the exclusively peaceful nature of Iran's nuclear programme is restored it will be treated in the same manner as that of any Non-Nu-



clear Weapon State Party to the Treaty on the Non-Proliferation of Nuclear Weapons,

*Welcoming* the guidance issued by the Financial Action Task Force (FATF) to assist States in implementing their financial obligations under resolutions 1737 (2006) and 1803 (2008), and recalling in particular the need to exercise vigilance over transactions involving Iranian banks, including the Central Bank of Iran, so as to prevent such transactions contributing to proliferation-sensitive nuclear activities, or to the development of nuclear weapon delivery systems,

*Recognizing* that access to diverse, reliable energy is critical for sustainable growth and development, while noting the potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation-sensitive nuclear activities, and further noting that chemical process equipment and materials required for the petrochemical industry have much in common with those required for certain sensitive nuclear fuel cycle activities,

*Having* regard to States' rights and obligations relating to international trade,

*Recalling* that the law of the sea, as reflected in the United Nations Convention on the Law of the Sea (1982), sets out the legal framework applicable to ocean activities,

*Calling* for the ratification of the Comprehensive Nuclear-Test-Ban Treaty by Iran at an early date,

*Determined* to give effect to its decisions by adopting appropriate measures to persuade Iran to comply with resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008) and with the requirements of the IAEA, and also to constrain Iran's development of sensitive technologies in support of its nuclear and missile programmes, until such time as the Security Council determines that the objectives of these resolutions have been met,

*Concerned* by the proliferation risks presented by the Iranian nuclear programme and mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

*Stressing* that nothing in this resolution compels States to take measures or actions exceeding the scope of this resolution, including the use of force or the threat of force,

*Acting* under Article 41 of Chapter VII of the Charter of the United Nations,

1. *Affirms* that Iran has so far failed to meet the requirements of the IAEA Board of Governors and to comply with resolutions 1696 (2006), 1737 (2006), 1747 (2007) and 1803 (2008);
2. *Affirms* that Iran shall without further delay take the steps required by the IAEA Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, which are essential to build confidence in the exclusively peaceful purpose of its nuclear programme, to resolve outstanding questions and to address the serious concerns raised by the construction of an enrichment facility at Qom in breach of its obligations to suspend all enrichment-related activities, and, in this context, further affirms its decision that Iran shall without delay take the steps required in paragraph 2 of resolution 1737 (2006);
3. *Reaffirms* that Iran shall cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme, including by providing access without delay to all sites, equipment, persons and documents requested by the IAEA, and *stresses* the importance of ensuring that the IAEA have all necessary resources and authority for the fulfillment of its work in Iran;

4. *Requests* the Director General of the IAEA to communicate to the Security Council all his reports on the application of safeguards in Iran;

5. *Decides* that Iran shall without delay comply fully and without qualification with its IAEA Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangement to its Safeguards Agreement, calls upon Iran to act strictly in accordance with the provisions of the Additional Protocol to its IAEA Safeguards Agreement that it signed on 18 December 2003, *calls upon* Iran to ratify promptly the Additional Protocol, and reaffirms that, in accordance with Articles 24 and 39 of Iran's Safeguards Agreement, Iran's Safeguards Agreement and its Subsidiary Arrangement, including modified Code 3.1, cannot be amended or changed unilaterally by Iran, and notes that there is no mechanism in the Agreement for the suspension of any of the provisions in the Subsidiary Arrangement;

6. *Reaffirms* that, in accordance with Iran's obligations under previous resolutions to suspend all reprocessing, heavy water-related and enrichment-related activities, Iran shall not begin construction on any new uranium-enrichment, reprocessing, or heavy water-related facility and shall discontinue any ongoing construction of any uranium-enrichment, reprocessing, or heavy water-related facility;

7. *Decides* that Iran shall not acquire an interest in any commercial activity in another State involving uranium mining, production or use of nuclear materials and technology as listed in INFCIRC/254/Rev.9/Part 1, in particular uranium enrichment and reprocessing activities, all heavy-water activities or technology related to ballistic missiles capable of delivering nuclear weapons, and *further*

*decides* that all States shall prohibit such investment in territories under their jurisdiction by Iran, its nationals, and entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them;

8. *Decides* that all States shall prevent the direct or indirect supply, sale or transfer to Iran, from or through their territories or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, of any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, or items as determined by the Security Council or the Committee established pursuant to resolution 1737 (2006) ("the Committee"), *decides* further that all States shall prevent the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, provision, manufacture, maintenance or use of such arms and related materiel, and, in this context, *calls upon* all States to exercise vigilance and restraint over the supply, sale, transfer, provision, manufacture and use of all other arms and related materiel;

9. *Decides* that Iran shall not undertake any activity related to ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology, and that States shall take all necessary measures to prevent the transfer of technology or technical assistance to Iran related to such activities;

10. *Decides* that all States shall take the necessary measures to prevent the entry into or transit through their territories of individuals designated in Annex C, D and E of resolution 1737 (2006), Annex I of resolution 1747 (2007), Annex I of resolution 1803 (2008) and Annexes I and II of this resolution, or by the Security Council or the Committee pursuant to paragraph 10 of resolution 1737 (2006), except where such entry or transit is for activities directly related to the provision to Iran of items in subparagraphs 3(b)(i) and (ii) of resolution 1737 (2006) in accordance with paragraph 3 of resolution 1737 (2006), *underlines* that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory, and *decides* that the measures imposed in this paragraph shall not apply when the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Committee concludes that an exemption would otherwise further the objectives of this resolution, including where Article XV of the IAEA Statute is engaged;
11. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the individuals and entities listed in Annex I of this resolution and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and to any individuals and entities determined by the Council or the Committee to have assisted designated individuals or entities in evading sanctions of, or in violating the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;
12. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall apply also to the Islamic Revolutionary Guard Corps (IRGC, also known as "Army of the Guardians of the Islamic Revolution") individuals and entities specified in Annex II, and to any individuals or entities acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, and *calls upon* all States to exercise vigilance over those transactions involving the IRGC that could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;
13. *Decides* that for the purposes of the measures specified in paragraphs 3, 4, 5, 6 and 7 of resolution 1737 (2006), the list of items in S/2006/814 shall be superseded by the list of items in INFCIRC/254/Rev.9/Part 1 and INFCIRC/254/Rev.7/Part 2, and any further items if the State determines that they could contribute to enrichment-related, reprocessing or heavy water-related activities or to the development of nuclear weapon delivery systems, and further *decides* that for the purposes of the measures specified in paragraphs 3, 4, 5, 6 and 7 of resolution 1737 (2006), the list of items contained in S/2006/815 shall be superseded by the list of items contained in S/2010/263;
14. *Calls upon* all States to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Iran, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;
15. *Notes* that States, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag State, and *calls upon* all States to cooperate in such inspections if there is information that provides reasonable grounds to believe the vessel is carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, for the purpose of ensuring strict implementation of those provisions;
16. *Decides* to authorize all States to, and that all States shall, seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution that are identified in inspections pursuant to paragraphs 14 or 15 of this resolution, in a manner that is not inconsistent with their obligations under applicable Security Council resolutions, including resolution 1540 (2004), as well as any obligations of parties to the NPT, and *decides* further that all States shall cooperate in such efforts;
17. *Requires* any State, when it undertakes an inspection pursuant to paragraphs 14 or 15 above to submit to the Committee within five working days an initial written report containing, in particular, explanation of the grounds for the inspections, the results of such inspections and whether or not cooperation was provided, and, if items prohibited for transfer are found, *further requires* such States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;
18. *Decides* that all States shall prohibit the provision by their nationals or from their territory of bunkering services, such as provision of fuel or supplies, or other servicing of vessels, to Iranian-owned or -contracted vessels, including chartered vessels, if they have information that provides reasonable grounds to believe they are carrying items the supply, sale, transfer, or export of which is prohibited by paragraphs 3, 4 or 7 of resolution 1737 (2006), paragraph 5 of resolution 1747 (2007), paragraph 8 of resolution 1803 (2008) or paragraphs 8 or 9 of this resolution, unless provision of such services is necessary for humanitarian purposes or until such time as the cargo has been inspected, and seized and disposed of if necessary, and *underlines* that this paragraph is not intended to affect legal economic activities;
19. *Decides* that the measures specified in paragraphs 12, 13, 14 and 15 of resolution 1737 (2006) shall also apply to the entities of the Islamic Republic of Iran Shipping Lines (IRISL) as specified in Annex III and to any person or entity acting on their behalf or at their direction, and to entities owned or controlled by them, including through illicit means, or determined by the Council or the Committee to have assisted them in evading the sanctions of, or in violating the provisions of, resolutions

- 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;
20. *Requests* all Member States to communicate to the Committee any information available on transfers or activity by Iran Air's cargo division or vessels owned or operated by the Islamic Republic of Iran Shipping Lines (IRISL) to other companies that may have been undertaken in order to evade the sanctions of, or in violation of the provisions of, resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution, including renaming or re-registering of aircraft, vessels or ships, and requests the Committee to make that information widely available;
21. *Calls* upon all States, in addition to implementing their obligations pursuant to resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, to prevent the provision of financial services, including insurance or re-insurance, or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources if they have information that provides reasonable grounds to believe that such services, assets or resources could contribute to Iran's proliferation-sensitive nuclear activities, or the development of nuclear weapon delivery systems, including by freezing any financial or other assets or resources on their territories or that hereafter come within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are related to such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;
22. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in Iran or subject to Iran's jurisdiction, including those of the IRGC and IRISL, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them, including through illicit means, if they have information that provides reasonable grounds to believe that such business could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems or to violations of resolutions 1737 (2006), 1747 (2007), 1803 (2008) or this resolution;
23. *Calls upon* States to take appropriate measures that prohibit in their territories the opening of new branches, subsidiaries, or representative offices of Iranian banks, and also that prohibit Iranian banks from establishing new joint ventures, taking an ownership interest in or establishing or maintaining correspondent relationships with banks in their jurisdiction to prevent the provision of financial services if they have information that provides reasonable grounds to believe that these activities could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;
24. *Calls upon* States to take appropriate measures that prohibit financial institutions within their territories or under their jurisdiction from opening representative offices or subsidiaries or banking accounts in Iran if they have information that provides reasonable grounds to believe that such financial services could contribute to Iran's proliferation-sensitive nuclear activities or the development of nuclear weapon delivery systems;
25. *Deplores* the violations of the prohibitions of paragraph 5 of resolution 1747 (2007) that have been reported to the Committee since the adoption of resolution 1747 (2007), and *commends* States that have taken action to respond to these violations and report them to the Committee;
26. *Directs* the Committee to respond effectively to violations of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, and *recalls* that the Committee may designate individuals and entities who have assisted designated persons or entities in evading sanctions of, or in violating the provisions of, these resolutions;
27. *Decides* that the Committee shall intensify its efforts to promote the full implementation of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, including through a work programme covering compliance, investigations, outreach, dialogue, assistance and cooperation, to be submitted to the Council within forty-five days of the adoption of this resolution;
28. *Decides* that the mandate of the Committee as set out in paragraph 18 of resolution 1737 (2006), as amended by paragraph 14 of resolution 1803 (2008), shall also apply to the measures decided in this resolution, including to receive reports from States submitted pursuant to paragraph 17 above;
29. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee, to carry out the following tasks: (a) assist the Committee in carrying out its mandate as specified in paragraph 18 of resolution 1737 (2006) and paragraph 28 of this resolution; (b) gather, examine and analyse information from States, relevant United Nations bodies and other interested parties regarding the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance; (c) make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures; and (d) provide to the Council an interim report on its work no later than 90 days after the Panel's appointment, and a final report to the Council no later than 30 days prior to the termination of its mandate with its findings and recommendations;
30. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, in particular incidents of non-compliance;
31. *Calls upon* all States to report to the Committee within 60 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24;
32. *Stresses* the willingness of China, France, Germany, the Russian Federation, the United Kingdom and the United States to further enhance diplomatic efforts to promote dialogue and consultations, including to resume dialogue with Iran on the nuclear issue without preconditions, most recently in their meeting with Iran in Geneva on 1 October 2009, with a view to seeking a comprehensive, longterm and proper solution of this issue on the basis of the proposal made by China, France, Germany, the Russian Federation, the United Kingdom and the United



- States on 14 June 2008, which would allow for the development of relations and wider cooperation with Iran based on mutual respect and the establishment of international confidence in the exclusively peaceful nature of Iran's nuclear programme and, inter alia, starting formal negotiations with Iran on the basis of the June 2008 proposal, and *acknowledges with appreciation* that the June 2008 proposal, as attached in Annex IV to this resolution, remains on the table;
33. *Encourages* the High Representative of the European Union for Foreign Affairs and Security Policy to continue communication with Iran in support of political and diplomatic efforts to find a negotiated solution, including relevant proposals by China, France, Germany, the Russian Federation, the United Kingdom and the United States with a view to create necessary conditions for resuming talks, and *encourages* Iran to respond positively to such proposals;
34. *Commends* the Director General of the IAEA for his 21 October 2009 proposal of a draft Agreement between the IAEA and the Governments of the Republic of France, the Islamic Republic of Iran and the Russian Federation for Assistance in Securing Nuclear Fuel for a Research Reactor in Iran for the Supply of Nuclear Fuel to the Tehran Research Reactor, *regrets* that Iran has not responded constructively to the 21 October 2009 proposal, and *encourages* the IAEA to continue exploring such measures to build confidence consistent with and in furtherance of the Council's resolutions;
35. *Emphasizes* the importance of all States, including Iran, taking the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or of any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the measures imposed by resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution;
36. *Requests* within 90 days a report from the Director General of the IAEA on whether Iran has established full and sustained suspension of all activities mentioned in resolution 1737 (2006), as well as on the process of Iranian compliance with all the steps required by the IAEA Board of Governors and with other provisions of resolutions 1737 (2006), 1747 (2007), 1803 (2008) and of this resolution, to the IAEA Board of Governors and in parallel to the Security Council for its consideration;
37. *Affirms* that it shall review Iran's actions in light of the report referred to in paragraph 36 above, to be submitted within 90 days, and: (a) that it shall suspend the implementation of measures if and for so long as Iran suspends all enrichment-related and reprocessing activities, including research and development, as verified by the IAEA, to allow for negotiations in good faith in order to reach an early and mutually acceptable outcome; (b) that it shall terminate the measures specified in paragraphs 3, 4, 5, 6, 7 and 12 of resolution 1737 (2006), as well as in paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007), paragraphs 3, 5, 7, 8, 9, 10 and 11 of resolution 1803 (2008), and in paragraphs 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23 and 24 above, as soon as it determines, following receipt of the report referred to in the paragraph above, that Iran has fully complied with its obligations under the relevant resolutions of the Security Council and met the requirements of the IAEA Board of Governors, as confirmed by the IAEA Board of Governors; (c) that it shall, in the event that the report shows that Iran has not complied with resolutions 1737 (2006), 1747 (2007), 1803 (2008) and this resolution, adopt further appropriate measures under Article 41 of Chapter VII of the Charter of the United Nations to persuade Iran to comply with these resolutions and the requirements of the IAEA, and *underlines* that further decisions will be required should such additional measures be necessary;
38. *Decides* to remain seized of the matter.

## ANNEX I

### Individuals and entities involved in nuclear or ballistic missile activities

#### Entities

- Amin Industrial Complex:** Amin Industrial Complex sought temperature controllers which may be used in nuclear research and operational/production facilities. Amin Industrial Complex is owned or controlled by, or acts on behalf of, the Defense Industries Organization (DIO), which was designated in resolution 1737 (2006).  
Location: P.O. Box 91735-549, Mashad, Iran; Amin Industrial Estate, Khalage Rd., Seyedi District, Mashad, Iran; Kaveh Complex, Khalaj Rd., Seyedi St., Mashad, Iran.  
A.K.A.: Amin Industrial Compound and Amin Industrial Company
- Armament Industries Group:** Armament Industries Group (AIG) manufacturers and services a variety of small arms and light weapons, including large- and medium-calibre guns and related technology. AIG conducts the majority of its procurement activity through Hadid Industries Complex.  
Location: Sepah Islam Road, Karaj Special Road Km 10, Iran; Pasdaran Ave., P.O. Box 19585/777, Tehran, Iran
- Defense Technology and Science Research Center:** Defense Technology and Science Research Center (DTSRC) is owned or controlled by, or acts on behalf of, Iran's Ministry of Defense and Armed Forces Logistics (MODAFL), which oversees Iran's defence R&D, production, maintenance, exports, and procurement.  
Location: Pasdaran Ave, PO Box 19585/777, Tehran, Iran
- Doostan International Company:** Doostan International Company (DICO) supplies elements to Iran's ballistic missile program.
- Farasakht Industries:** Farasakht Industries is owned or controlled by, or act on behalf of, the Iran Aircraft Manufacturing Company, which in turn is owned or controlled by MODAFL.  
Location: P.O. Box 83145-311, Kilometer 28, Esfahan-Tehran Freeway, Shahin Shahr, Esfahan, Iran
- First East Export Bank, P.L.C.:** First East Export Bank, PLC is owned or controlled by, or acts on behalf of, Bank Mellat. Over the last seven years, Bank Mellat has facilitated hundreds of millions of dollars in transactions for Iranian nuclear, missile, and defense entities.  
Location: Unit Level 10 (B1), Main Office Tower, Financial Park Labuan, Jalan Merdeka, 87000 WP Labuan, Malaysia; Business Registration Number LL06889 (Malaysia)
- Kaveh Cutting Tools Company:** Kaveh Cutting Tools Company is owned or controlled by, or acts on behalf of, the DIO.  
Location: 3rd Km of Khalaj Road, Seyedi Street, Mashad 91638, Iran; Km 4 of Khalaj Road, End of Seyedi Street, Mashad, Iran; P.O. Box 91735-549, Mashad, Iran; Khalaj Rd., End of Seyedi Alley, Mashad, Iran; Moqan St., Pasdaran St., Pasdaran Cross Rd., Tehran, Iran

8. **M. Babaie Industries:** M. Babaie Industries is subordinate to Shahid Ahmad Kazemi Industries Group (formally the Air Defense Missile Industries Group) of Iran's Aerospace Industries Organization (AIO). AIO controls the missile organizations Shahid Hemmat Industrial Group (SHIG) and the Shahid Bakeri Industrial Group (SBIG), both of which were designated in resolution 1737 (2006).  
Location: P.O. Box 16535-76, Tehran, 16548, Iran
9. **Malek Ashtar University:** A subordinate of the DTRSC within MODAFL. This includes research groups previously falling under the Physics Research Center (PHRC). IAEA inspectors have not been allowed to interview staff or see documents under the control of this organization to resolve the outstanding issue of the possible military dimension to Iran's nuclear program.  
Location: Corner of Imam Ali Highway and Babaei Highway, Tehran, Iran
10. **Ministry of Defense Logistics Export:** Ministry of Defense Logistics Export (MODLEX) sells Iranian-produced arms to customers around the world in contravention of resolution 1747 (2007), which prohibits Iran from selling arms or related materiel.  
Location: PO Box 16315-189, Tehran, Iran; located on the west side of Dabestan Street, Abbas Abad District, Tehran, Iran
11. **Mizan Machinery Manufacturing:** Mizan Machinery Manufacturing (3M) is owned or controlled by, or acts on behalf of, SHIG.  
Location: P.O. Box 16595-365, Tehran, Iran  
A.K.A.: 3MG
12. **Modern Industries Technique Company:** Modern Industries Technique Company (MITEC) is responsible for design and construction of the IR-40 heavy water reactor in Arak. MITEC has spearheaded procurement for the construction of the IR-40 heavy water reactor.  
Location: Arak, Iran  
A.K.A.: Rahkar Company, Rahkar Industries, Rahkar Sanaye Company, Rahkar Sanaye Novin
13. **Nuclear Research Center for Agriculture and Medicine:** The Nuclear Research Center for Agriculture and Medicine (NFRPC) is a large research component of the Atomic Energy Organization of Iran (AEOI), which was designated in resolution 1737 (2006). The NFRPC is AEOI's center for the development of nuclear fuel and is involved in enrichment-related activities.  
Location: P.O. Box 31585-4395, Karaj, Iran  
A.K.A.: Center for Agricultural Research and Nuclear Medicine; Karaji Agricultural and Medical Research Center
14. **Pejman Industrial Services Corporation:** Pejman Industrial Services Corporation is owned or controlled by, or acts on behalf of, SBIG.  
Location: P.O. Box 16785-195, Tehran, Iran
15. **Sabalan Company:** Sabalan is a cover name for SHIG.  
Location: Damavand Tehran Highway, Tehran, Iran
16. **Sahand Aluminum Parts Industrial Company (SAPICO):** SAPICO is a cover name for SHIG.  
Location: Damavand Tehran Highway, Tehran, Iran
17. **Shahid Karrazi Industries:** Shahid Karrazi Industries is owned or controlled by, or acts on behalf of, SBIG.  
Location: Tehran, Iran
18. **Shahid Sattari Industries:** Shahid Sattari Industries is owned or controlled by, or acts on behalf of, SBIG.  
Location: Southeast Tehran, Iran  
A.K.A.: Shahid Sattari Group Equipment Industries
19. **Shahid Sayyade Shirazi Industries:** Shahid Sayyade Shirazi Industries (SSSI) is owned or controlled by, or acts on behalf of, the DIO.  
Location: Next To Nirou Battery Mfg. Co, Shahid Babaii Expressway, Nobonyad Square, Tehran, Iran; Pasdaran St., P.O. Box 16765, Tehran 1835, Iran; Babaei Highway – Next to Niru M.F.G, Tehran, Iran
20. **Special Industries Group:** Special Industries Group (SIG) is a subordinate of DIO.  
Location: Pasdaran Avenue, PO Box 19585/777, Tehran, Iran
21. **Tiz Pars:** Tiz Pars is a cover name for SHIG. Between April and July 2007, Tiz Pars attempted to procure a five axis laser welding and cutting machine, which could make a material contribution to Iran's missile program, on behalf of SHIG.  
Location: Damavand Tehran Highway, Tehran, Iran
22. **Yazd Metallurgy Industries:** Yazd Metallurgy Industries (YMI) is a subordinate of DIO.  
Location: Pasdaran Avenue, Next To Telecommunication Industry, Tehran 16588, Iran; Postal Box 89195/878, Yazd, Iran; P.O. Box 89195-678, Yazd, Iran; Km 5 of Taft Road, Yazd, Iran  
A.K.A.: Yazd Ammunition Manufacturing and Metallurgy Industries, Directorate of Yazd Ammunition and Metallurgy Industries
- Individuals**
- Javad Rahiqi:** Head of the Atomic Energy Organization of Iran (AEOI) Esfahan Nuclear Technology Center (additional information: DOB: 24 April 1954; POB: Marshad).
- ANNEX II**
- Entities owned, controlled, or acting on behalf of the Islamic Revolutionary Guard Corps**
1. **Fater (or Faater) Institute:** Khatam al-Anbiya (KAA) subsidiary. Fater has worked with foreign suppliers, likely on behalf of other KAA companies on IRGC projects in Iran.
2. **Gharagahe Sazandegi Ghaem:** Gharagahe Sazandegi Ghaem is owned or controlled by KAA.
3. **Ghorb Karbala:** Ghorb Karbala is owned or controlled by KAA.
4. **Ghorb Nooh:** Ghorb Nooh is owned or controlled by KAA.
5. **Hara Company:** Owned or controlled by Ghorb Nooh.
6. **Imensazan Consultant Engineers Institute:** Owned or controlled by, or acts on behalf of, KAA.
7. **Khatam al-Anbiya Construction Headquarters:** Khatam al-Anbiya Construction Headquarters (KAA) is an IRGC-owned company involved in large scale civil and military construction projects and other engineering activities. It undertakes a significant amount of work on Passive Defense Organization projects. In particular, KAA subsidiaries were heavily involved in the construction of the uranium enrichment site at Qom/Fordow.
8. **Makin:** Makin is owned or controlled by or acting on behalf of KAA, and is a subsidiary of KAA.
9. **Omran Sahel:** Owned or controlled by Ghorb Nooh.
10. **Oriental Oil Kish:** Oriental Oil Kish is owned or controlled by or acting on behalf of KAA.
11. **Rah Sahel:** Rah Sahel is owned or controlled by or acting on behalf of KAA.
12. **Rahab Engineering Institute:** Rahab is owned or controlled by or acting on behalf of KAA, and is a subsidiary of KAA.

13. **Sahel Consultant Engineers:** Owned or controlled by Ghorb Nooh.
14. **Sepanir:** Sepanir is owned or controlled by or acting on behalf of KAA.
15. **Sepasad Engineering Company:** Sepasad Engineering Company is owned or controlled by or acting on behalf of KAA.

### ANNEX III

#### Entities owned, controlled, or acting on behalf of the Islamic Republic of Iran Shipping Lines (IRISL)

##### 1. Irano Hind Shipping Company

Location: 18 Mehrshad Street, Sadaghat Street, Opposite of Park Mellat, Valie-Asr Ave., Tehran, Iran; 265, Next to Mehrshad, Sedaghat St., Opposite of Mellat Park, Vali Asr Ave., Tehran 1A001, Iran

##### 2. IRISL Benelux NV

Location: Noorderlaan 139, B-2030, Antwerp, Belgium; V.A.T. Number BE480224531 (Belgium)

##### 3. South Shipping Line Iran (SSL)

Location: Apt. No. 7, 3rd Floor, No. 2, 4th Alley, Gandhi Ave., Tehran, Iran; Qaem Magham Farahani St., Tehran, Iran

### ANNEX IV

#### Proposal to the Islamic Republic of Iran by China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the European Union

*Presented to the Iranian authorities on 14 June 2008 Teheran*

#### Possible Areas of Cooperation with Iran

In order to seek a comprehensive, long-term and proper solution of the Iranian nuclear issue consistent with relevant UN Security Council resolutions and building further

upon the proposal presented to Iran in June 2006, which remains on the table, the elements below are proposed as topics for negotiations between China, France, Germany, Iran, Russia, the United Kingdom, and the United States, joined by the High Representative of the European Union, as long as Iran verifiably suspends its enrichment-related and reprocessing activities, pursuant to OP 15 and OP 19(a) of UNSCR 1803. In the perspective of such negotiations, we also expect Iran to heed the requirements of the UNSC and the IAEA. For their part, China, France, Germany, Russia, the United Kingdom, the United States and the European Union High Representative state their readiness:

to recognize Iran's right to develop research, production and use of nuclear energy for peaceful purposes in conformity with its NPT obligations;

to treat Iran's nuclear programme in the same manner as that of any Non-nuclear Weapon State Party to the NPT once international confidence in the exclusively peaceful nature of Iran's nuclear programme is restored.

#### Nuclear Energy

- Reaffirmation of Iran's right to nuclear energy for exclusively peaceful purposes in conformity with its obligations under the NPT.
- Provision of technological and financial assistance necessary for Iran's peaceful use of nuclear energy, support for the resumption of technical cooperation projects in Iran by the IAEA.
- Support for construction of LWR based on state-of-the-art technology.
- Support for R&D in nuclear energy as international confidence is gradually restored.
- Provision of legally binding nuclear fuel supply guarantees.

- Cooperation with regard to management of spent fuel and radioactive waste.

#### Political

- Improving the six countries' and the EU's relations with Iran and building up mutual trust.
- Encouragement of direct contact and dialogue with Iran.
- Support Iran in playing an important and constructive role in international affairs.
- Promotion of dialogue and cooperation on non-proliferation, regional security and stabilization issues.
- Work with Iran and others in the region to encourage confidence-building measures and regional security.
- Establishment of appropriate consultation and cooperation mechanisms.
- Support for a conference on regional security issues.
- Reaffirmation that a solution to the Iranian nuclear issue would contribute to non-proliferation efforts and to realizing the objective of a Middle East free of weapons of mass destruction, including their means of delivery.
- Reaffirmation of the obligation under the UN Charter to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the Charter of the United Nations.
- Cooperation on Afghanistan, including on intensified cooperation in the fight against drug trafficking, support for programmes on the return of Afghan refugees to Afghanistan; cooperation on reconstruction of Afghanistan; cooperation on guarding the Iran-Afghan border.

#### Economic

Steps towards the normalization of trade and economic relations, such as improving Iran's access to the international economy, markets and capital through practical support for full integration into international structures, including the World Trade Organization, and to create the framework for increased direct investment in Iran and trade with Iran.

#### Energy Partnership

Steps towards the normalization of cooperation with Iran in the area of energy: establishment of a long-term and wide-ranging strategic energy partnership between Iran and the European Union and other willing partners, with concrete and practical applications/measures.

#### Agriculture

- Support for agricultural development in Iran.

Facilitation of Iran's complete self-sufficiency in food through cooperation in modern technology.

#### Environment, Infrastructure

- Civilian Projects in the field of environmental protection, infrastructure, science and technology, and high-tech:
- Development of transport infrastructure, including international transport corridors.
- Support for modernization of Iran's telecommunication infrastructure, including by possible removal of relevant export restrictions.

#### Civil Aviation

- Civil aviation cooperation, including the possible removal of restrictions on manufacturers exporting aircraft to Iran:

- Enabling Iran to renew its civil aviation fleet;
- Assisting Iran to ensure that Iranian aircraft meet international safety standards.

**Economic, social and human development/humanitarian issues**

- Provide, as necessary, assistance to Iran's economic and social development and humanitarian need.
- Cooperation/technical support in education in areas of benefit to Iran.
- Supporting Iranians to take courses, placements or degrees in areas such as civil engineering, agriculture and environmental studies;
- Supporting partnerships between Higher Education Institutions e.g. public health,

rural livelihoods, joint scientific projects, public administration, history and philosophy.

- Cooperation in the field of development of effective emergency response capabilities (e.g. seismology, earthquake research, disaster control etc.).

- Cooperation within the framework of a “dialogue among civilizations”.

**Implementation mechanism**

- Constitution of joint monitoring groups for the implementation of a future agreement.

**Source:** United Nations Security Council Resolution 1929/ United Nations' official site// <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/396/79/PDF/N1039679.pdf?OpenElement>.

**3.4. New START Treaty. Resolution of Advice and Consent to Ratification. U.S. Senate, December 22, 2010; Washington, D.C.**

*Resolved, (two-thirds of the Senators present concurring therein),* That the Senate advises and consents to the ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol, including Annex on Inspection Activities to the Protocol, Annex on Notifications to the Protocol, and Annex on Telemetric Information to the Protocol, all such documents being integral parts of and collectively referred to in this resolution as the New START Treaty (Treaty Document 111 – 5), subject to the conditions of subsection (a), the understandings of subsection (b), and the declarations of subsection (c).

(a) **CONDITIONS.** – The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following conditions, which shall be binding upon the President:

(1) **GENERAL COMPLIANCE.** – If the President determines that the Russian Federation is acting or has acted in a manner that is inconsistent with the object and purpose of the New START Treaty, or is in violation of the New START Treaty, so

as to threaten the national security interests of the United States, then the President shall –

(A) consult with the Senate regarding the implications of such actions for the viability of the New START Treaty and for the national security interests of the United States;

(B) seek on an urgent basis a meeting with the Russian Federation at the highest diplomatic level with the objective of bringing the Russian Federation into full compliance with its obligations under the New START Treaty; and

(C) submit a report to the Senate promptly thereafter, detailing –

(i) whether adherence to the New START Treaty remains in the national security interests of the United States; and

(ii) how the United States will redress the impact of Russian actions on the national security interests of the United States.

(2) **PRESIDENTIAL CERTIFICATIONS AND REPORTS ON NATIONAL TECHNICAL MEANS.** –



- (A) Prior to the entry into force of the New START Treaty, and annually thereafter, the President shall certify to the Senate that United States National Technical Means, in conjunction with the verification activities provided for in the New START Treaty, are sufficient to ensure effective monitoring of Russian compliance with the provisions of the New START Treaty and timely warning of any Russian preparation to break out of the limits in Article II of the New START Treaty. Following submission of the first such certification, each subsequent certification shall be accompanied by a report to the Senate indicating how United States National Technical Means, including collection, processing, and analytic resources, will be utilized to ensure effective monitoring. The first such report shall include a long-term plan for the maintenance of New START Treaty monitoring. Each subsequent report shall include an update of the long-term plan. Each such report may be submitted in either classified or unclassified form.
- (B) It is the sense of the Senate that monitoring Russian Federation compliance with the New START Treaty is a high priority and that the inability to do so would constitute a threat to United States national security interests.
- (3) REDUCTIONS. – (A) The New START Treaty shall not enter into force until instruments of ratification have been exchanged in accordance with Article XIV of the New START Treaty.
- (B) If, prior to the entry into force of the New START Treaty, the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, signed at Moscow on May 24, 2002 (commonly referred to as the Moscow Treaty), then the President shall –
- (i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and
- (ii) take no such reductions until the President submits to the Senate the President's determination that such reductions are in the national security interest of the United States.
- (4) TIMELY WARNING OF BREAKOUT. – If the President determines, after consultation with the Director of National Intelligence, that the Russian Federation intends to break out of the limits in Article II of the New START Treaty, the President shall immediately inform the Committees on Foreign Relations and Armed Services of the Senate, with a view to determining whether circumstances exist that jeopardize the supreme interests of the United States, such that withdrawal from the New START Treaty may be warranted pursuant to paragraph 3 of Article XIV of the New START Treaty.
- (5) UNITED STATES MISSILE DEFENSE TEST TELEMETRY. – Prior to entry into force of the New START Treaty, the President shall certify to the Senate that the New START Treaty does not require, at any point during which it will be in force, the United States to provide to the Russian Federation telemetric information under Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol for the launch of –
- (A) any missile defense interceptor, as defined in paragraph 44 of Part One of the Protocol to the New START Treaty;
- (B) any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or
- (C) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty.
- (6) CONVENTIONAL PROMPT GLOBAL STRIKE. – (A) The Senate calls on the executive branch to clarify its planning and intent in developing future conventionally armed, strategic-range weapon systems. To this end, prior to the entry into force of the New START Treaty, the President shall provide a report to the Committees on Armed Services and Foreign Relations of the Senate containing the following:
- (i) A list of all conventionally armed, strategic-range weapon systems that are currently under development.
- (ii) An analysis of the expected capabilities of each system listed under clause (i).
- (iii) A statement with respect to each system listed under clause (i) as to whether any of the limits in Article II of the New START Treaty apply to such system.
- (iv) An assessment of the costs, risks, and benefits of each system.
- (v) A discussion of alternative deployment options and scenarios for each system.
- (vi) A summary of the measures that could help to distinguish each system listed under clause (i) from nuclear systems and reduce the risks of misinterpretation and of a resulting claim that such systems might alter strategic stability.
- (B) The report under subparagraph (A) may be supplemented by a classified annex.
- (C) If, at any time after the New START Treaty enters into force, the President determines that deployment of conventional warheads on ICBMs or SLBMs is required at levels that cannot be accommodated within the limits in Article II of the New START Treaty while sustaining a robust United States nuclear triad, then the President shall immediately consult with the Senate regarding the reasons for such determination.
- (7) UNITED STATES TELEMETRIC INFORMATION. – In implementing Article IX of the New START Treaty, Part Seven of the Protocol, and the Annex on Telemetric Information to the Protocol, prior to agreeing to provide to the Russian Federation any amount of telemetric information on a United States test launch of a conventionally armed prompt global strike system, the President shall certify to the Committees on Foreign Relations and Armed Services of the Senate that –
- (A) the provision of United States telemetric information –
- (i) consists of data that demonstrate that such system is not subject to the limits in Article II of the New START Treaty; or
- (ii) would be provided in exchange for significant telemetric information regarding a weapon system not listed in paragraph 8 of Article III of the New START Treaty, or a system not deployed by the Russian Federation prior to December 5, 2009;
- (B) it is in the national security interest of the United States to provide such telemetric information; and
- (C) provision of such telemetric information will not undermine the effectiveness of such system.
- (8) BILATERAL CONSULTATIVE COMMISSION. – Not later than 15 days before any meeting of the Bilateral Consultative Commission to consider a proposal for

additional measures to improve the viability or effectiveness of the New START Treaty or to resolve a question related to the applicability of provisions of the New START Treaty to a new kind of strategic offensive arm, the President shall consult with the Chairman and ranking minority member of the Committee on Foreign Relations of the Senate with regard to whether the proposal, if adopted, would constitute an amendment to the New START Treaty requiring the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(9) UNITED STATES COMMITMENTS ENSURING THE SAFETY, RELIABILITY, AND PERFORMANCE OF ITS NUCLEAR FORCES. —

(A) The United States is committed to ensuring the safety, reliability, and performance of its nuclear forces. It is the sense of the Senate that —

(i) the United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining and modernizing the nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the New START Treaty levels and meet requirements for hedging against possible international developments or technical problems, in conformance with United States policies and to underpin deterrence;

(ii) to that end, the United States is committed to maintaining United States nuclear weapons laboratories and preserving the core nuclear weapons competencies therein; and

(iii) the United States is committed to providing the resources needed to achieve these objectives, at a minimum at the

levels set forth in the President's 10-year plan provided to the Congress pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111—84).

(B) If appropriations are enacted that fail to meet the resource requirements set forth in the President's 10-year plan, or if at any time more resources are required than estimated in the President's 10-year plan, the President shall submit to Congress, within 60 days of such enactment or the identification of the requirement for such additional resources, as appropriate, a report detailing —

(i) how the President proposes to remedy the resource shortfall;

(ii) if additional resources are required, the proposed level of funding required and an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

(iii) the impact of the resource shortfall on the safety, reliability, and performance of United States nuclear forces; and

(iv) whether and why, in the changed circumstances brought about by the resource shortfall, it remains in the national interest of the United States to remain a Party to the New START Treaty.

(10) ANNUAL REPORT. — As full and faithful implementation is key to realizing the benefits of the New START Treaty, the President shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year beginning with January 31, 2012, which will provide —

(A) details on each Party's reductions in strategic offensive arms between the date the New START Treaty entered into force

and December 31, 2011, or, in subsequent reports, during the previous year;

(B) a certification that the Russian Federation is in compliance with the terms of the New START Treaty, or a detailed discussion of any noncompliance by the Russian Federation;

(C) a certification that any conversion and elimination procedures adopted pursuant to Article VI of the New START Treaty and Part Three of the Protocol have not resulted in ambiguities that could defeat the object and purpose of the New START Treaty, or —

(i) a list of any cases in which a conversion or elimination procedure that has been demonstrated by Russia within the framework of the Bilateral Consultative Commission remains ambiguous or does not achieve the goals set forth in paragraph 2 or 3 of Section I of Part Three of the Protocol; and

(ii) a comprehensive explanation of steps the United States has taken with respect to each such case;

(D) an assessment of the operation of the New START Treaty's transparency mechanisms, including —

(i) the extent to which either Party encrypted or otherwise impeded the collection of telemetric information; and

(ii) the extent and usefulness of exchanges of telemetric information; and

(E) an assessment of whether a strategic imbalance exists that endangers the national security interests of the United States.

(b) UNDERSTANDINGS. — The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following understandings, which shall be included in the instrument of ratification:

(1) MISSILE DEFENSE. — It is the understanding of the United States that —

(A) the New START Treaty does not impose any limitations on the deployment of missile defenses other than the requirements of paragraph 3 of Article V of the New START Treaty, which states, "Each Party shall not convert and shall not use ICBM launchers and SLBM launchers for placement of missile defense interceptors therein. Each Party further shall not convert and shall not use launchers of missile defense interceptors for placement of ICBMs and SLBMs therein. This provision shall not apply to ICBM launchers that were converted prior to signature of this Treaty for placement of missile defense interceptors therein.";

(B) any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States; and

(C) the April 7, 2010, unilateral statement by the Russian Federation on missile defense does not impose a legal obligation on the United States.

(2) RAIL-MOBILE ICBMS. — It is the understanding of the United States that —

(A) any rail-mobile-launched ballistic missile with a range in excess of 5,500 kilometers would be an ICBM, as the term is defined in paragraph 37 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;

- (B) an erector-launcher mechanism for launching an ICBM and the railcar or flatcar on which it is mounted would be an ICBM launcher, as the term is defined in paragraph 28 of Part One of the Protocol (in the English-language numbering), for the purposes of the New START Treaty, specifically including the limits in Article II of the New START Treaty;
- (C) if either Party should produce a rail-mobile ICBM system, the Bilateral Consultative Commission would address the application of other parts of the New START Treaty to that system, including Articles III, IV, VI, VII, and XI of the New START Treaty and relevant portions of the Protocol and the Annexes to the Protocol; and
- (D) an agreement reached pursuant to subparagraph (C) is subject to the requirements of Article XV of the New START Treaty and, specifically, if an agreement pursuant to subparagraph (C) creates substantive rights or obligations that differ significantly from those in the New START Treaty regarding a mobile launcher of ICBMs as defined in Part One of the Protocol to the New START Treaty, such agreement will be considered an amendment to the New START Treaty pursuant to Paragraph 1 of Article XV of the New START Treaty and will be submitted to the Senate for its advice and consent to ratification.
- (3) STRATEGIC-RANGE, NON-NUCLEAR WEAPON SYSTEMS. – It is the understanding of the United States that –
- (A) future, strategic-range non-nuclear weapon systems that do not otherwise meet the definitions of the New START Treaty will not be new kinds of strategic offensive arms subject to the New START Treaty;
- (B) nothing in the New START Treaty restricts United States research, development, testing, and evaluation of strategic-range, non-nuclear weapons, including any weapon that is capable of boosted aerodynamic flight;
- (C) nothing in the New START Treaty prohibits deployments of strategic-range non-nuclear weapon systems; and
- (D) the addition to the New START Treaty of –
- (i) any limitations on United States research, development, testing, and evaluation of strategic-range, non-nuclear weapon systems, including any weapon that is capable of boosted aerodynamic flight; or
- (ii) any prohibition on the deployment of such systems, including any such limitations or prohibitions agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States.
- (c) DECLARATIONS. – The advice and consent of the Senate to the ratification of the New START Treaty is subject to the following declarations, which express the intent of the Senate:
- (1) MISSILE DEFENSE. – (A) It is the sense of the Senate that –
- (i) pursuant to the National Missile Defense Act of 1999 (Public Law 106 – 38), it is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate);
- (ii) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail; and
- (iii) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States.
- (B) The New START Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the United States Government currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect United States Armed Forces and United States allies from limited ballistic missile attack, including further planned enhancements to the Ground-based Mid-course Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe.
- (C) Given its concern about missile defense issues, the Senate expects the executive branch to offer regular briefings, not less than twice each year, to the Committees on Foreign Relations and Armed Services of the Senate on all missile defense issues related to the New START Treaty and on the progress of United States-Russia dialogue and cooperation regarding missile defense.
- (2) DEFENDING THE UNITED STATES AND ALLIES AGAINST STRATEGIC ATTACK. – It is the sense of the Senate that –
- (A) a paramount obligation of the United States Government is to provide for the defense of the American people, deployed members of the United States Armed Forces, and United States allies against nuclear attacks to the best of its ability;
- (B) policies based on mutual assured destruction or intentional vulnerability can be contrary to the safety and security of both countries, and the United States and the Russian Federation share a common interest in moving cooperatively as soon as possible away from a strategic relationship based on mutual assured destruction;
- (C) in a world where biological, chemical, and nuclear weapons and the means to deliver them are proliferating, strategic stability can be enhanced by strategic defensive measures;
- (D) accordingly, the United States is and will remain free to reduce the vulnerability to attack by constructing a layered missile defense system capable of countering missiles of all ranges;
- (E) the United States will welcome steps by the Russian Federation also to adopt a fundamentally defensive strategic posture that no longer views robust strategic defensive capabilities as undermining the overall strategic balance, and stands ready to cooperate with the Russian Federation on strategic defensive capabilities, as long as such cooperation is aimed at fostering and in no way constrains the defensive capabilities of both sides; and
- (F) the United States is committed to improving United States strategic defensive capabilities both quantitatively and qualitatively during the period that the New START Treaty is in effect, and such improvements are consistent with the Treaty.
- (3) CONVENTIONALLY ARMED, STRATEGIC-RANGE WEAPON SYSTEMS. – Consistent with statements made by the United States that such systems are not



intended to affect strategic stability with respect to the Russian Federation, the Senate finds that conventionally armed, strategic-range weapon systems not collocated with nuclear-armed systems do not affect strategic stability between the United States and the Russian Federation.

(4) NUNN-LUGAR COOPERATIVE THREAT REDUCTION. – It is the sense of the Senate that the Nunn-Lugar Cooperative Threat Reduction (CTR) Program has made an invaluable contribution to the security and elimination of weapons of mass destruction, including nuclear weapons and materials in Russia and elsewhere, and that the President should continue the global CTR Program and CTR assistance to Russia, including for the purpose of facilitating implementation of the New START Treaty.

(5) ASYMMETRY IN REDUCTIONS. – It is the sense of the Senate that, in conducting the reductions mandated by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States.

(6) COMPLIANCE. – (A) The New START Treaty will remain in the interests of the United States only to the extent that the Russian Federation is in strict compliance with its obligations under the New START Treaty.

(B) Given its concern about compliance issues, the Senate expects the executive branch to offer regular briefings, not less than four times each year, to the Com-

mittees on Foreign Relations and Armed Services of the Senate on compliance issues related to the New START Treaty. Such briefings shall include a description of all United States efforts in United States-Russian diplomatic channels and bilateral fora to resolve any compliance issues and shall include, but would not necessarily be limited to, a description of –

- (i) any compliance issues the United States plans to raise with the Russian Federation at the Bilateral Consultative Commission, in advance of such meetings; and
- (ii) any compliance issues raised at the Bilateral Consultative Commission, within thirty days of such meetings.

(7) EXPANSION OF STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA. – It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.

(8) TREATY INTERPRETATION. – The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in condition (1) of the resolution of advice and consent to the ratification of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols (commonly referred to

as the INF Treaty), approved by the Senate on May 27, 1988, and condition (8) of the resolution of advice and consent to the ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990 (commonly referred to as the CFE Flank Document), approved by the Senate on May 14, 1997.

(9) TREATY MODIFICATION OR REINTERPRETATION. – The Senate declares that any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the New START Treaty, including the time frame for implementation of the New START Treaty, should be submitted to the Senate for its advice and consent to ratification.

(10) CONSULTATIONS. – Given the continuing interest of the Senate in the New START Treaty and in strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States, the Senate expects the President to consult with the Senate prior to taking actions relevant to paragraphs 2 or 3 of Article XIV of the New START Treaty.

(11) TACTICAL NUCLEAR WEAPONS. –

(A) The Senate calls upon the President to pursue, following consultation with allies, an agreement with the Russian Federation that would address the disparity between the tactical nuclear weapons stockpiles of the Russian Federation and of the United States and would secure and reduce tactical nuclear weapons in a verifiable manner.

(B) Recognizing the difficulty the United States has faced in ascertaining with confidence the number of tactical nuclear weapons maintained by the Russian Fed-

eration and the security of those weapons, the Senate urges the President to engage the Russian Federation with the objectives of –

- (i) establishing cooperative measures to give each Party to the New START Treaty improved confidence regarding the accurate accounting and security of tactical nuclear weapons maintained by the other Party; and
- (ii) providing United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its tactical nuclear weapons.

(12) FURTHER STRATEGIC ARMS REDUCTIONS. –

(A) Recognizing the obligation under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at any early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control, and in anticipation of the ratification and entry into force of the New START Treaty, the Senate calls upon the other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(B) The Senate declares that further arms reduction agreements obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(13) MODERNIZATION AND REPLACEMENT OF UNITED STATES STRATEGIC DELIVERY VEHICLES. – In accordance with paragraph 1 of Article V of the New START Treaty, which states that, Subject to the provisions of this Treaty, modernization and replacement of strategic offensive arms may be carried out, it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing

the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.

**Source:** New START Treaty. Resolution of Advice and Consent to Ratification/ U.S. Senate Committee on Foreign Relations// foreign.senate.gov/download/?id=E4C3A1B3-D023-4F58-8690

### 3.5. On Ratification of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms. Federal Assembly of the Russian Federation, January 26, 2011; Moscow

#### ARTICLE 1

Ratify the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms signed in Prague on April 8, 2010, hereinafter referred to as the New START Treaty.

#### ARTICLE 2

The New START Treaty shall be implemented subject to the following conditions:

- 1) maintaining the capacity of the Russian Federation's strategic nuclear forces at a level necessary to ensure the national security of the Russian Federation, including by the development, testing, production, and deployment of new types and new kinds of strategic offensive arms that will have advantages for overcoming missile defense;
- 2) maintaining the combat readiness of the Russian Federation's strategic nuclear forces for response to any development of

the strategic situation, and preserving and developing the necessary research and development base and production capabilities;

- 3) funding, in accordance with the level of existing requirements, of the Russian Federation's strategic nuclear forces, and measures for preserving and developing the necessary research and development base and production capabilities, as well as operations for safely eliminating and disposing of the Russian Federation's strategic offensive arms and implementing the New START Treaty;
- 4) ensuring safe conditions for operating, storing, eliminating, and disposing of the Russian Federation's strategic offensive arms;
- 5) taking into account the interrelationship between strategic offensive arms and strategic defensive arms, that this interrelationship will become more important as strategic nuclear arms are reduced, and that the strategic defensive arms of one

Party do not undermine the viability and effectiveness of the strategic offensive arms of the other Party to the New START Treaty;

- 6) applying the provisions of the New START Treaty, including those in regard to counting warheads and their means of delivery, in accordance with its terms, to any strategic offensive arms, as well as to any new kinds of strategic-range offensive arms;
- 7) the question of the applicability of the provisions of the New START Treaty to any new kind of strategic-range offensive arms should be resolved within the framework of the Bilateral Consultative Commission established in accordance with Article XII of the New START Treaty, prior to the deployment of such new kind of strategic-range offensive arms;
- 8) providing to the United States of America telemetric information about launches of existing types of intercontinental ballistic missiles and submarine-launched ballistic missiles only prior to the time of separation of the self-contained dispensing mechanism or the payload from the last stage of the intercontinental ballistic missiles or submarine-launched ballistic missiles of the Russian Federation and not providing to the United States of America telemetric information about launches of new types of intercontinental ballistic missiles and submarine-launched ballistic missiles of the Russian Federation;
- 9) effectively using, improving, and developing the means of verification provided for by the New START Treaty, including the Russian Federation's national technical means of verification of compliance by the United States of America with the New START Treaty.

### ARTICLE 3

1. The Russian Federation's obligations under the New START Treaty shall be fulfilled in compliance with this Federal Law and with other Russian Federation legal enactments governing the actions and procedures whose necessity arises in the course of implementing the New START Treaty.
2. In the process of implementing the New START Treaty:
  - 1) The President of the Russian Federation:
    - a) shall determine the main areas of state policy in the field of development of the Russian Federation's strategic nuclear forces and of nuclear disarmament, and the procedures and time frames for carrying out measures to implement the New START Treaty, while ensuring that the capacity of the Russian Federation's strategic nuclear forces is preserved, and their combat readiness is maintained at a level necessary to guarantee deterrence of aggression against the Russian Federation;
    - b) shall, after entry into force of the New START Treaty, approve a program of development of the Russian Federation's strategic nuclear forces as a component part of the state armament program, and shall inform the chambers of the Russian Federation Federal Assembly;
    - c) shall determine the main areas of international activities of the Russian Federation in the field of strategic offensive arms and missile defense in order to strengthen strategic stability and ensure the national security of the Russian Federation;
    - d) shall make a decision about developing new types and new kinds of strategic offensive arms, and about commissioning them;
    - e) shall define the national conceptual framework for further international talks

in the field of strategic offensive arms and missile defense, and shall consult and negotiate with the leaders of other states in order to strengthen strategic stability and ensure the national security of the Russian Federation;

- 2) The Government of the Russian Federation:
  - a) shall, in accordance with Federal Laws and other Russian Federation legal enactments and the state armament program, ensure priority funding of the Russian Federation's strategic nuclear forces;
  - b) shall ensure the preservation and development of the research and development base and production capabilities necessary for maintaining the nuclear capacity and combat readiness of the Russian Federation's strategic nuclear forces;
  - c) shall ensure the effective use of the Russian Federation's national technical means of verification of compliance by the United States of America with the provisions of the New START Treaty and their technical improvement, and ensure that the verification procedures provided for in the New START Treaty are carried out;
  - d) shall, after the day of entry into force of this Federal Law, approve a targeted federal program for industrial disposition of arms and military equipment, providing for the possibility of using the reduced components and infrastructure of the Russian Federation's strategic nuclear forces in the interests of development of the national economy;
  - e) shall take measures to ensure safety in the operation, storage, elimination, and disposition of strategic offensive arms, nuclear warheads, and missile fuel, as well as to rule out unauthorized access to nuclear warheads;
  - f) shall take measures to use economically optimal methods and means for the elimi-

nation and disposition of strategic offensive arms;

- g) shall, after the day of entry into force of the New START Treaty, annually inform the chambers of the Russian Federation Federal Assembly about the progress of implementation of the New START Treaty in regard to the following issues:
  - fulfillment by the Russian Federation and the United States of America of their obligations under the New START Treaty;
  - deployment by other states of missile defense systems, their effect on the capacity of the Russian Federation's strategic nuclear forces, and possible threats to the national security of the Russian Federation in the event of emergence of new kinds of strategic-range offensive arms, or of deployment of weapons in space;
  - development of a dialog between the Russian Federation and the United States of America in the field of strategic offensive arms;
  - information about the international agreements concluded by the Russian Federation that are connected with implementation of the New START Treaty (including the forwarding of official texts of the agreements);
  - financial provision for measures to maintain the capability of the Russian Federation's strategic nuclear forces, their combat readiness, and the results of implementation of the aforesaid measures;
  - the condition and capacities of the research and development base and production capabilities;
  - the progress of elimination and disposition of Russian Federation's strategic offensive arms that have been decommissioned, and the status of funding of measures for implementation of the New START Treaty.

- ty, including with the use of international technical assistance;
- the environmental situation at sites for the storage, elimination, and disposition of Russian Federation's strategic offensive arms, particularly nuclear warheads and missile fuel;
  - h) shall, pursuant to the instructions of the President of the Russian Federation, implement foreign-policy measures in the field of reduction and limitation of strategic offensive arms and of non-proliferation of nuclear weapons.
3. The chambers of the Russian Federation Federal Assembly, each within the scope of its authority:
- 1) shall participate, during the annual review of the draft federal law on the federal budget for the coming fiscal year, in adopting (approving) decisions on the amount of funding for research and development projects in the field of strategic offensive arms, the purchase of strategic offensive arms, and the construction (repair, modernization) of the main basing facilities for the strategic nuclear forces of the Russian Federation, as well as operations for the safe elimination and disposition of strategic offensive arms and implementation of measures for carrying out the New START Treaty;
  - 2) shall participate in developing draft federal laws, the state armaments program, and the main criteria for state defense procurement for the relevant fiscal year, and shall adopt (approve) federal laws aimed at maintaining the strategic nuclear forces of the Russian Federation at a level necessary to ensure the national security of the Russian Federation and at implementing measures in the area of nuclear arms reduction, including measures that provide for the possibility of using the reduced components of the strategic nuclear forces of the Russian Federation and their infrastructure in the interest of development of the national economy;
  - 3) shall review the annual report of the Government of the Russian Federation on the status of the strategic nuclear forces of the Russian Federation and the progress of the implementation of the New START Treaty;
  - 4) shall take measures as needed, in accordance with section V of Federal Law No. 101-FZ "On the International Treaties of the Russian Federation" of July 15, 1995.

#### ARTICLE 4

- 1. The provisions of the preamble of the New START Treaty shall have indisputable significance for the understanding of the Parties' intentions upon its signature, including the content of the terms agreed between them and the understandings without which the New START Treaty would not have been concluded. In this connection, they must be considered in toto by the Parties in the course of implementing the New START Treaty.
- 2. The Russian Federation shall exercise the right provided by Article XIV of the New START Treaty to withdraw from it in case of extraordinary events that jeopardize its supreme interests. These events may include:
  - 1) a material breach by the United States of America of its obligations under the New START Treaty that could give rise to a threat to the national security of the Russian Federation;
  - 2) deployment by the United States of America, another state, or a group of states of a missile defense system capable of significantly reducing the effectiveness of the Russian Federation's strategic nuclear forces;

- 3) a build-up by the United States of America, another state, or group of states of strategic offensive arms, or adoption by them of decisions in the field of military construction, as well as other circumstances that could pose a threat to the national security of the Russian Federation;
  - 4) deployment by the United States of America, other states, or a group of states of arms that hinder the operation of the Russian missile-attack warning system.
3. In case of the extraordinary events specified in Part 2 of this Article, the President of the Russian Federation:
- 1) shall take political, diplomatic, and other measures to eliminate the extraordinary events or to neutralize their consequences;
  - 2) shall ensure that immediate consultations are held with the chambers of the Federal Assembly of the Russian Federation and, taking into account the results of such consultations, shall make decisions bearing on the New START Treaty, submitting as needed to the chambers of the Federal Assembly of the Russian Federation the proposals provided for by Federal Law No. 101-FZ "On the International Treaties of the Russian Federation."
  - 4. In case the chambers of the Federal Assembly of the Russian Federation deem

that events have arisen that can be categorized as extraordinary within the meaning of Article XIV of the New START Treaty, they shall send proposals for holding consultations to the President of the Russian Federation, make their own recommendations to him, or take other actions within the limits of their competency.

#### ARTICLE 5

The President of the Russian Federation shall make a decision to conduct negotiations on further reduction and limitation of nuclear arms, taking into account the progress of the implementation of the New START Treaty and its principles and provisions, as well as the status of such arms of the United States of America and third states, together with other national security tasks of the Russian Federation.

#### ARTICLE 6

This Federal Law shall enter into force on the date of its official promulgation.

**Source:** On Ratification of the Treaty between the Russian Federation and the United States of America on Measures for the Further Reduction and Limitation of Strategic Offensive Arms/ Arms Control Wonk// <http://lewis.armscontrolwonk.com/archive/3481/russian-new-start-resolution>.



### 3.6. Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran, February 25, 2011; Vienna

A report of the International Atomic Energy Agency Director General

#### A. Introduction

1. This report of the Director General to the Board of Governors and, in parallel, to the Security Council, is on the implementation of the NPT Safeguards Agreement,<sup>1</sup> and relevant provisions of Security Council resolutions in the Islamic Republic of Iran (Iran), which were adopted under Chapter VII of the United Nations Charter, and are mandatory, in accordance with the terms of those resolutions.<sup>2</sup>

1 The Agreement between Iran and the Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/214), which entered into force on 15 May 1974.

2 The United Nations Security Council has adopted the following resolutions on Iran: 1696 (2006); 1737 (2006); 1747 (2007); 1803 (2008); 1835 (2008); and 1929 (2010).

2. By virtue of its Relationship Agreement with the United Nations,<sup>3</sup> the Agency is required to cooperate with the Security Council by furnishing to it at its request such information and assistance as may be required by the Security Council in the exercise of its responsibility for the maintenance or restoration of international peace and security. Furthermore, all Members of the United Nations, including Iran and other Members of the Agency, "agree to accept and carry out the decisions of the Security Council",<sup>4</sup> and in this respect, to take actions which are consistent with their obligations under the United Nations Charter.

3 The Agreement Governing the Relationship between the United Nations and the IAEA entered into force on 14 November 1957, following approval by the General Conference, upon recommendation of the Board of Governors, and approval by the General Assembly of the United Nations. It is reproduced in INFCIRC/11 (30 October 1959), Part I.A.

4 The Charter of the United Nations, Article 25.

3. The Security Council has affirmed that the steps required by the Board of Governors in its resolutions<sup>5</sup> are binding on Iran.<sup>6</sup>

4. This report focuses on those areas where Iran has not fully implemented its binding obligations, as the full implementation of these obligations is needed to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme. It addresses developments since the last report, as well as issues of longer standing, and contains an Attachment that provides an overview of the current implementation of Iran's Safeguards Agreement and relevant provisions of Security Council resolutions in Iran.

#### B. Facilities Declared under Iran's Safeguards Agreement

5. Iran has declared to the Agency under its Safeguards Agreement, 16 nuclear facilities and nine locations outside facilities where nuclear material is customarily used (LOFs).<sup>7</sup> The Agency continues to verify the non-diversion of declared nuclear material at these facilities and LOFs. Notwithstanding,

5 The Board of Governors has adopted ten resolutions in connection with the implementation of safeguards in Iran: GOV/2003/69 (12 September 2003); GOV/2003/81 (26 November 2003); GOV/2004/21 (13 March 2004); GOV/2004/49 (18 June 2004); GOV/2004/79 (18 September 2004); GOV/2004/90 (29 November 2004); GOV/2005/64 (11 August 2005); GOV/2005/77 (24 September 2005); GOV/2006/14 (4 February 2006); and GOV/2009/82 (27 November 2009)/

6 In resolution 1929 (2010), the Security Council affirmed, *inter alia*, that Iran shall, without further delay, take the steps required by the Board in GOV/2006/14 and GOV/2009/82; reaffirmed Iran's obligation to cooperate fully with the IAEA on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions of the Iranian nuclear programme; decided that Iran shall, without delay, comply fully and without qualification with its Safeguards Agreement, including through the application of modified Code 3.1 of the Subsidiary Arrangements; and called upon Iran to act strictly in accordance with the provisions of its Additional Protocol and to ratify it promptly (operative paras 1–6).

7 All of the LOFs are situated within hospitals.

certain of the activities being undertaken by Iran at some of the facilities are contrary to relevant resolutions of the Board of Governors and the Security Council, as indicated below.

#### C. Enrichment Related Activities

6. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended its enrichment related activities in the following declared facilities, which are under Agency safeguards.

##### C.1. Natanz: Fuel Enrichment Plant and Pilot Fuel Enrichment Plant

7. Fuel Enrichment Plant (FEP): There are two cascade halls at FEP: Production Hall A and Production Hall B. According to the design information submitted by Iran, eight units are planned for Production Hall A, with 18 cascades in each unit. No detailed design information has yet been provided for Production Hall B.

8. On 20 February 2011, 53 cascades were installed in three of the eight units in Production Hall A, 31 of which were being fed with UF<sub>6</sub>.<sup>8</sup> Initially, each installed cascade comprised 164 centrifuges. Iran has now modified 12 of the cascades to contain 174 centrifuges each. To date, all the centrifuges installed are IR-1 machines. As of 20 February 2011, installation work in the remaining five units was ongoing, but no centrifuges had been installed. There had been no installation work in Production Hall B.

9. As reported previously, the Agency conducted a physical inventory verification (PIV) at FEP and verified that, as of 17 October 2010, 34 737 kg of natural UF<sub>6</sub> had been fed into

8 On 20 February 2011, the 53 installed cascades contained approximately 8000 centrifuges. The 31 cascades being fed with UF<sub>6</sub> on that date contained a total of 5184 centrifuges, some of which were possibly not being fed with UF<sub>6</sub>.

the cascades since the start of operations in February 2007, and a total of 3135 kg of low enriched UF<sub>6</sub> had been produced. While the Agency has verified the UF<sub>6</sub> throughput of the facility as declared by Iran, the evaluation of the nuclear material balance remains ongoing.

10. Iran has estimated that, between 18 October 2010 and 5 February 2011, it produced an additional 471 kg of low enriched UF<sub>6</sub>, which would result in a total production of 3606 kg of low enriched UF<sub>6</sub> since February 2007. The nuclear material at FEP (including the feed, product and tails), as well as all installed cascades and the feed and withdrawal stations, are subject to Agency containment and surveillance.<sup>9</sup>
11. Based on the results of the analysis of environmental samples taken at FEP since February 2007<sup>10</sup> and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the Design Information Questionnaire (DIQ).
12. Pilot Fuel Enrichment Plant (PFEP): PFEP is a research and development (R&D) facility and a pilot, low enriched uranium (LEU) production facility which was first brought into operation in October 2003. It has a cascade hall that can accommodate six cascades, and is divided between an area designated for the production of LEU enriched up to 20% U-235 and an area designated for R&D.
13. In the production area, Iran first began feeding low enriched UF<sub>6</sub> into Cascade 1 on 9 February 2010, for the stated purpose of producing UF<sub>6</sub> enriched up to 20% U-235 for use in the manufacture of fuel for the Tehran Re-

search Reactor (TRR).<sup>11 12</sup> Since 13 July 2010, Iran has been feeding low enriched UF<sub>6</sub> into two interconnected cascades (Cascades 1 and 6), each of which comprises 164 centrifuges.

14. As reported previously, the Agency conducted a PIV at PFEP and verified that, as of 18 September 2010, 352 kg of low enriched UF<sub>6</sub> had been fed into the cascades in the production area since 9 February 2010, and that a total of 25.1 kg of UF<sub>6</sub> enriched up to 20% U-235 had been produced. The enrichment level of the UF<sub>6</sub> product, as measured by the Agency, was 19.7%. The Agency has completed its evaluation of the results of the PIV, and can confirm the inventory of total uranium as declared by Iran. The Agency is discussing with Iran further improvements to the operator's measurement system, especially in the determination of the level of U-235 enrichment.
15. Iran has estimated that, between 19 September 2010 and 11 February 2011, a total of 135.2 kg of UF<sub>6</sub> enriched at FEP was fed into the two interconnected cascades and that approximately 18.5 kg of UF<sub>6</sub> enriched up to 20% U-235 was produced. This would result in a total of approximately 43.6 kg of UF<sub>6</sub> enriched up to 20% U-235 having been produced since the process began in February 2010.
16. In the R&D area, between 20 November 2010 and 11 February 2011, a total of approximately 169 kg of natural UF<sub>6</sub> was fed into centrifuges, but no LEU was withdrawn as the product and the tails of this R&D activity are recombined at the end of the process.<sup>13</sup>
17. In an updated DIQ for PFEP submitted to the

<sup>11</sup> GOV/2010/28, para. 9.

<sup>12</sup> TRR is a 5 MW reactor which operates with 20% U-235 enriched fuel and is used for the irradiation of different types of targets and for research and training purposes.

<sup>13</sup> On 11 February 2011, the centrifuges being tested in the R&D area were IR-1, IR-2m and IR-4 machines.

Agency on 19 January 2011, Iran indicated that it would install two new 164-centrifuge cascades (Cascades 4 and 5) in the R&D area. These two cascades, one of which will comprise IR-4 centrifuges and the other IR-2m centrifuges, will be fed with natural UF<sub>6</sub>.

18. Based on the results of the analysis of the environmental samples taken at PFEP<sup>14</sup> and other verification activities, the Agency has concluded that the facility has operated as declared by Iran in the DIQ.

### C.2. Fordow Fuel Enrichment Plant

19. In September 2009, Iran informed the Agency that it was constructing the Fordow Fuel Enrichment Plant (FFEP), located near the city of Qom. In its DIQ of 10 October 2009, Iran stated that the purpose of the facility was the production of UF<sub>6</sub> enriched up to 5.0% U-235, and that the facility was being built to contain 16 cascades, with a total of approximately 3000 centrifuges.<sup>15</sup> In September 2010, Iran provided the Agency with a revised DIQ in which it stated that the purpose of FFEP was now to include R&D as well as the production of UF<sub>6</sub> enriched up to 5.0% U-235.<sup>16</sup>
20. The Agency has asked Iran on a number of occasions, most recently in a letter dated 11 February 2011, to provide supporting information regarding the chronology of the design and construction of FFEP, as well as its original purpose, particularly in light of extensive information from a number of sources alleging that design work on the facility had started in 2006. To date, Iran has not done so. The information requested is essential for the Agency to confirm that the declarations of Iran are correct and complete.<sup>17</sup>

<sup>14</sup> Results are available to the Agency for samples taken up to 12 September 2010.

<sup>15</sup> GOV/2009/74, para. 9.

<sup>16</sup> GOV/2010/62, para. 16.

<sup>17</sup> As previously reported, in Iran's initial declaration regarding the purpose of FFEP, contained in a letter dated 2 December 2009, Iran stated that, "The location

21. The Agency has verified that the construction of FFEP is ongoing. As of 19 February 2011, no centrifuges had been introduced into the facility. The results of the analysis of the environmental samples taken at FFEP up to February 2010 did not indicate the presence of enriched uranium.<sup>18</sup> On 21 February 2011, Iran informed the Agency that it planned to begin feeding nuclear material into cascades "by this summer".

### C.3. Other Enrichment Related Activities

22. The Agency is still awaiting a substantive response from Iran to Agency requests for further information in relation to announcements made by Iran concerning the construction of ten new uranium enrichment facilities, the sites for five of which, according to Iran, have been decided, and the construction of one of which will begin by the end of the current Iranian year (20 March 2011) or the start of the next year.<sup>19 20</sup>
23. Iran has not provided further information, as requested by the Agency, in connection with its announcement on 7 February 2010 that it possessed laser enrichment technology,<sup>21</sup> and its announcement on 9 April 2010 regarding the development of third generation centrifuges.<sup>22</sup>
24. Since early 2008, Iran has not responded to Agency requests for access to additional locations related, inter alia, to the manufacturing of centrifuges, and to R&D on urani-

[near Qom] originally was considered as a general area for passive defence contingency shelters for various utilizations. Then this location was selected for the construction of [the] Fuel Enrichment Plant in the second half of 2007" (GOV/2010/10, paras 14–16).

<sup>18</sup> The results did show a small number of particles of depleted uranium (GOV/2010/10, para. 17).

<sup>19</sup> 'Iran Specifies Location for 10 New Enrichment Sites', Fars News Agency, 16 August 2010.

<sup>20</sup> GOV/2010/46, para. 33.

<sup>21</sup> Cited on the website of the Presidency of the Islamic Republic of Iran, 7 February 2010, at <http://www.president.ir/en/?ArtID=20255>.

<sup>22</sup> GOV/2010/28, para. 18.

um enrichment.<sup>23</sup> As a result, the Agency's knowledge about Iran's enrichment activities continues to diminish.

#### D. Reprocessing Activities

25. Pursuant to the relevant resolutions of the Board of Governors and the Security Council, Iran is obliged to suspend its reprocessing activities, including R&D.<sup>24</sup> In a letter to the Agency dated 15 February 2008, Iran stated that it "does not have reprocessing activities". In that context, the Agency has continued to monitor the use of hot cells at TRR and the Molybdenum, Iodine and Xenon Radioisotope Production (MIX) Facility.<sup>25</sup> The Agency carried out an inspection and design information verification (DIV) at TRR on 5 February 2011 and a DIV at the MIX Facility on 6 February 2011. In light of the above, the Agency can confirm that there are no ongoing reprocessing related activities in Iran only with respect to the TRR and the MIX Facility, and the other facilities to which the Agency has access.

#### E. Heavy Water Related Projects

26. Contrary to the relevant resolutions of the Board of Governors and the Security Council, Iran has not suspended work on all heavy water related projects, including the construction of the heavy water moderated research reactor, the IR-40 Reactor, which is under Agency safeguards.<sup>26</sup>

27. As indicated in the Director General's pre-

<sup>23</sup> GOV/2008/15, para. 13.

<sup>24</sup> S/RES/1696 (2006), para. 2; S/RES/1737 (2006), para. 2; S/RES/1747 (2007), para. 1; S/RES/1803 (2008), para. 1; S/RES/1835 (2008), para. 4; S/RES/1929 (2010), para. 2.

<sup>25</sup> The MIX Facility is a hot cell complex for the separation of radiopharmaceutical isotopes from targets, including uranium, irradiated at TRR. The MIX Facility is not currently processing any uranium targets.

<sup>26</sup> S/RES/1737 (2006), para. 2; S/RES/1747 (2007), para. 1; S/RES/1803 (2008), para. 1; S/RES/1835 (2008), para. 4; S/RES/1929 (2010), para. 2.

vious reports, in light of the request by the Security Council to report to it on whether Iran has established full and sustained suspension of, inter alia, all heavy water related projects,<sup>27</sup> the Agency has requested that Iran make the necessary arrangements to provide the Agency, at the earliest possible date, with access to: the Heavy Water Production Plant (HWPP);<sup>28</sup> the heavy water stored at the Uranium Conversion Facility (UCF) for the taking of samples;<sup>29</sup> and any other location in Iran where projects related to heavy water are being carried out. Iran has objected to the Agency's requests on the basis that they go beyond the Safeguards Agreement and because Iran has already stated that it has not suspended its heavy water related projects.<sup>30</sup> In paragraph 8 of Security Council resolution 1737 (2006), the Council decided that "Iran shall provide such access and cooperation as the IAEA requests to be able to verify the suspension outlined in paragraph 2 [of that resolution]...". To date, Iran has not provided the requested access.

28. While the Agency can report that Iran has made statements to the effect that it has not suspended work on all its heavy water related projects, without full access to the heavy water at UCF and to HWPP, the Agency is unable to verify such statements and therefore to report fully on this matter.

29. On 13 February 2011, the Agency carried out a DIV at the IR-40 Reactor at Arak and observed that, although construction of the facility was ongoing, no significant changes had occurred since the Director General's last report.<sup>31</sup> According to Iran, the operation

<sup>27</sup> S/RES/1737 (2006), para. 23; S/RES/1747 (2007), para. 12; S/RES/1803 (2008), para. 18; S/RES/1929 (2010), para. 36.

<sup>28</sup> Based on satellite imagery, the HWPP appears to be in operation.

<sup>29</sup> GOV/2010/10, paras 20 and 21.

<sup>30</sup> GOV/2010/62, para. 21.

<sup>31</sup> GOV/2010/62, para. 22.

of the IR-40 Reactor is planned to commence by the end of 2013.

#### F. Uranium Conversion and Fuel Fabrication

30. As indicated above, Iran is obliged to suspend all enrichment related activities and heavy water related projects. Some of the activities carried out by Iran at UCF and the Fuel Manufacturing Plant (FMP) at Esfahan are in contravention of that obligation, although both facilities are under Agency safeguards.

31. In a letter dated 6 February 2011, Iran informed the Agency that in mid-February 2011 it intended to start conducting cold tests at UCF (not involving the use of nuclear material) for the production of natural UO<sub>2</sub> for IR-40 Reactor fuel.

32. On 8–9 February 2011, the Agency carried out an inspection and a DIV at UCF. At that time, the plant was still undergoing maintenance. As no UF<sub>6</sub> has been produced at UCF since 10 August 2009, the total amount of uranium produced at UCF since March 2004 remains 371 tonnes in the form of UF<sub>6</sub> (some of which has been transferred to FEP and PFEP), and remains subject to Agency containment and surveillance. During the DIV, the Agency observed that Iran had not yet begun the installation of equipment for the conversion of the UF<sub>6</sub> enriched up to 20% U-235 into U<sub>3</sub>O<sub>8</sub> for the fabrication of fuel for TRR.<sup>32</sup> Iran stated that the installation of this equipment will be completed by July 2011. During the DIV, the Agency also observed seven 200-litre drums, which Iran stated contained yellowcake produced at Bandar Abbas.

33. On 12 February 2011, the Agency carried out an inspection and a DIV at FMP and confirmed that Iran had not yet started to install equipment for TRR fuel fabrication.<sup>33</sup>

<sup>32</sup> GOV/2010/46, para. 25.

<sup>33</sup> GOV/2010/46, para. 26.

In a letter dated 31 January 2011, Iran provided an updated DIQ for FMP, including more details concerning the manufacture of fuel for TRR, which the Agency is currently reviewing.

#### G. Possible Military Dimensions

34. The Board of Governors has called on Iran on a number of occasions to engage with the Agency on the resolution of all outstanding issues concerning Iran's nuclear programme and, to this end, to cooperate fully with the Agency by providing such access and information that the Agency requests to resolve these issues. The Board has also requested the Director General to continue his efforts to, inter alia, resolve the outstanding issues which give rise to concerns, in order to exclude the existence of possible military dimensions to Iran's nuclear programme.<sup>34</sup> In resolution 1929 (2010), the Security Council reaffirmed Iran's obligations to take the steps required by the Board of Governors in its resolutions GOV/2006/14 and GOV/2009/82, and to cooperate fully with the Agency on all outstanding issues, particularly those which give rise to concerns about the possible military dimensions, including by providing access without delay to all sites, equipment, persons and documents requested by the Agency.<sup>35</sup>

35. Previous reports by the Director General have detailed the outstanding issues related to possible military dimensions to Iran's nuclear programme and the actions required of Iran necessary to resolve these.<sup>36</sup> Since August 2008, Iran has declined to discuss these outstanding issues with the Agency, or to provide any further information, or access to locations or persons necessary to address the Agency's concerns.

<sup>34</sup> Most recently in GOV/2009/82 (27 November 2009).

<sup>35</sup> S/RES/1929, paras 2 and 3.

<sup>36</sup> GOV/2010/10, paras 40–45; GOV/2009/55, paras 18–25; GOV/2008/38, paras 14–21; GOV/2008/15, paras 14–25 and Annex; GOV/2008/4, paras 35–42.



36. As Iran has been informed previously, although most of the actions identified in the 2007 work plan agreed between Iran and the Agency (INFCIRC/711) have been completed, there remain issues that still need to be addressed. According to the work plan, Iran was required to provide the Agency with its assessment of the documentation related to the alleged studies to which the Agency had provided Iran access. In May 2008, Iran provided a 117-page assessment in which it asserted that the documentation was forged and fabricated. However, as the Agency considers this assessment to be focused on form rather than substance, it has on several subsequent occasions requested Iran to provide a substantive response. Iran has not yet done so. Moreover, based on the Agency's analysis of additional information which has come to its attention since August 2008, including new information recently received, there are further concerns which the Agency also needs to clarify with Iran. For these reasons the Agency is unable to consider the issue of the alleged studies as referred to in the work plan as being closed.
37. Based on the Agency's continued study of information which the Agency has acquired, not only from many Member States but also directly through its own efforts, the Agency remains concerned about the possible existence in Iran of past or current undisclosed nuclear related activities involving military related organizations, including activities related to the development of a nuclear payload for a missile. As previously indicated by the Director General, there are indications that certain of these activities may have continued beyond 2004.<sup>37</sup>
38. The Agency has yet to receive a reply to its letter dated 29 October 2010, in which it again reiterated its concerns to Iran and provided a list of those matters which remain to be addressed. These matters include a number of

<sup>37</sup> GOV/2010/62, para. 33; GOV/2010/46, para. 39.

issues that have come to the Agency's attention since August 2008.<sup>38</sup>

39. The Agency has continued to request that Iran engage with the Agency on these issues, and that the Agency be permitted to visit all relevant sites, have access to all relevant equipment and documentation, and be allowed to interview all relevant persons, without further delay. The passage of time and the possible deterioration in the availability of some relevant information increase the urgency of this matter. Iran's substantive and proactive engagement is essential to enable the Agency to make progress in its verification of the correctness and completeness of Iran's declarations.

#### H. Design Information

40. The modified Code 3.1 of the Subsidiary Arrangements General Part to Iran's Safeguards Agreement provides for the submission to the Agency of design information for new facilities as soon as the decision to construct, or to authorize construction of, a new facility has been taken, whichever is the earlier. The modified Code 3.1 also provides for the submission of fuller design information as the design is developed early in the project definition, preliminary design, construction, and commissioning phases. Iran remains the only State with significant nuclear activities in which the Agency is implementing a comprehensive safeguards agreement but which is not implementing the provisions of the modified Code 3.1.<sup>39</sup> The existence of

<sup>38</sup> GOV/2010/62, para. 35.

<sup>39</sup> In accordance with Article 39 of Iran's Safeguards Agreement, agreed Subsidiary Arrangements cannot be changed unilaterally; nor is there a mechanism in the Safeguards Agreement for the suspension of provisions agreed to in the Subsidiary Arrangements. Therefore, as previously explained in the Director General's reports (see e.g. GOV/2007/22, 23 May 2007), the modified Code 3.1, as agreed to by Iran in 2003, remains in force for Iran. Iran is further bound by operative paragraph 5 of Security Council resolution 1929 (2010) to "comply fully and without qualification with its IAEA Safeguards Agreement, including

FFEP was only reported to the Agency after the plant had reached an advanced stage of its construction. Furthermore, the Agency is still awaiting receipt from Iran of, inter alia, updated design information for the IR-40 Reactor, and further information pursuant to statements it has made concerning the planned construction of new uranium enrichment facilities and the design of a reactor similar to TRR.<sup>40</sup>

#### I. Additional Protocol

41. Iran is not implementing its Additional Protocol, contrary to the relevant resolutions of the Board of Governors and the Security Council.<sup>41</sup> Unless Iran implements its Additional Protocol, the Agency will not be in a position to provide credible assurance about the absence of undeclared nuclear material and activities in Iran.

#### J. Other Matters

42. On 15–16 February 2011, the Agency conducted an inspection at the Bushehr Nuclear Power Plant (BNPP) and has verified the nuclear material present in the facility. On 23 February 2011, Iran informed the Agency that it would have to unload fuel assemblies from the core, and the Agency and Iran have agreed on the necessary safeguards measures.
43. Consistent with Iran's declarations of 22 September 2009,<sup>42</sup> the Agency, through satellite imagery, has not observed any indications of construction activities having been initiated at the site of the planned 360 MW Nuclear Power Plant at Darkhovin.

44. Based on satellite imagery, the Agency as-

through the application of modified Code 3.1".

<sup>40</sup> GOV/2010/62, para. 30.

<sup>41</sup> Iran's Additional Protocol was approved by the Board on 21 November 2003 and signed by Iran on 18 December 2003, although it has not been brought into force. Iran provisionally implemented its Additional Protocol between December 2003 and February 2006.

<sup>42</sup> GOV/2009/74, para. 26.

sesses that activities involving the mining and concentration of uranium are continuing in the area of the Bandar Abbas Uranium Production Plant, and that construction activities are continuing at the Ardakan Yellowcake Production Plant and at the Saghband Uranium Mine.

45. Iran has not agreed to reconsider its decision of 16 January 2007 to request the Agency to withdraw the designation of 38 Agency inspectors and its requests (in 2006, 2007 and 2010) to withdraw the designations of a total of four other inspectors with experience in conducting inspections in Iran. Nevertheless, in a letter dated 12 January 2011, Iran accepted the designation of three additional inspectors, who will now need to familiarize themselves with Iran's nuclear programme and gain experience in implementing safeguards in Iran.

#### K. Summary

46. While the Agency continues to conduct verification activities under Iran's Safeguards Agreement, Iran is not implementing a number of its obligations, including: implementation of the provisions of its Additional Protocol; implementation of the modified Code 3.1 of the Subsidiary Arrangements General Part to its Safeguards Agreement; suspension of enrichment related activities; suspension of heavy water related activities; and clarification of the remaining outstanding issues which give rise to concerns about possible military dimensions to its nuclear programme.
47. While the Agency continues to verify the non-diversion of declared nuclear material at the nuclear facilities and LOFs declared by Iran under its Safeguards Agreement, Iran is not providing the necessary cooperation to enable the Agency to provide credible assurance about the absence of undeclared nuclear material and activities in Iran, and therefore to conclude that all nuclear

material in Iran is in peaceful activities.<sup>43</sup>

48. The Director General requests Iran to take steps towards the full implementation of its Safeguards Agreement and its other obligations, to establish international confidence in the exclusively peaceful nature of Iran's nuclear programme.

49. The Director General will continue to report as appropriate.

**Attachment**

Overview of the implementation of the NPT Safeguards Agreement and relevant provisions of Security Council resolutions in Iran<sup>44</sup>

1. Facilities which Iran has declared under its Safeguards Agreement and where the Agency continues to verify the non-diversion of declared nuclear material

**Tehran:**

- Tehran Research Reactor (TRR)
- Molybdenum, Iodine and Xenon Radioisotope Production Facility (MIX Facility)
- Jabr Ibn Hayan Multipurpose Laboratories (JHL)

**Esfahan:**

- Miniature Neutron Source Reactor (MNSR)
- Light Water Sub-Critical Reactor (LWSCR)
- Heavy Water Zero Power Reactor (HWZPR)
- Fuel Fabrication Laboratory (FFL)
- Uranium Conversion Facility (UCF)

<sup>43</sup> The Board has confirmed on numerous occasions, since as early as 1992, that paragraph 2 of INFCIRC/153 (Corr.), which corresponds to Article 2 of Iran's Safeguards Agreement, authorizes and requires the Agency to seek to verify both the nondiversion of nuclear material from declared activities (i.e. correctness) and the absence of undeclared nuclear activities in the State (i.e. completeness) (see, for example, GOV/OR.864, para. 49). Paragraph 47 reflects the past and current implementation by Iran of its Safeguards Agreement and other obligations.

<sup>44</sup> For details, see this report and previous reports by the Director General.

- Fuel Manufacturing Plant (FMP)

**Natanz:**

- Fuel Enrichment Plant (FEP)
- Pilot Fuel Enrichment Plant (PFEP)

**Fordow:**

- Fordow Fuel Enrichment Plant (FFEP)

**Arak:**

- Iran Nuclear Research Reactor (IR-40 Reactor)

**Karaj:**

- Karaj Waste Storage

**Bushehr:**

- Bushehr Nuclear Power Plant (BNPP)

**Darkhovin:**

- 360 MW Nuclear Power Plant

**Locations outside facilities (LOFs):**

- Nine LOFs where nuclear material is customarily used (all situated within hospitals)
2. Iran is not conducting reprocessing activities in any of the facilities declared under its Safeguards Agreement, thereby meeting one of its obligations pursuant to the relevant provisions of the UN Security Council resolutions
  3. Areas where Iran is not meeting its obligations, as indicated in this report and previous reports of the Director General Iran has not suspended its enrichment related activities as follows:
    - Production of UF<sub>6</sub> at UCF as feed material for enrichment
    - Manufacturing centrifuge components, and assembling and testing centrifuges
    - Conducting enrichment related research and development

- Conducting operations, installation work and the production of LEU up to 3.5% U-235 at the Fuel Enrichment Plant (FEP)
- Conducting operations, installation work and the production of LEU up to 20% U-235 at the Pilot Fuel Enrichment Plant (PFEP)
- Conducting construction work at the Fordow Fuel Enrichment Plant (FFEP)

Iran is not providing supporting information regarding the chronology of the design and construction, as well as the original purpose, of FFEP

Iran has not suspended work on heavy water related projects as follows:

- Continuing the construction of the IR-40 Reactor
- Production of heavy water at the Heavy Water Production Plant (HWPP)
- Preparing for conversion activities for the production of natural UO<sub>2</sub> for IR-40 Reactor fuel
- Manufactured a fuel assembly, fuel rods and fuel pellets for the IR-40 Reactor Iran has not permitted the Agency to verify suspension of its heavy water related projects by:
  - Not permitting the Agency to take samples of the heavy water stored at UCF
  - Not providing access to HWPP

Iran is not cooperating with the Agency regarding the outstanding issues which give rise to concern about possible military dimensions to Iran's nuclear programme:

1) Iran is not providing access to relevant locations, equipment, persons or documentation related to possible military dimensions to Iran's nuclear programme; nor has Iran responded to the many questions the Agency

has raised with Iran regarding procurement of nuclear related items

2) Iran is not engaging with the Agency in substance on issues concerning the allegation that Iran is developing a nuclear payload for its missile programme. These issues refer to activities in Iran dealing with, inter alia:

- neutron generation and associated diagnostics
- uranium conversion and metallurgy
- high explosives manufacturing and testing
- exploding bridgewire detonator studies, particularly involving applications necessitating high simultaneity
- multipoint explosive initiation and hemispherical detonation studies involving highly instrumented experiments
- high voltage firing equipment and instrumentation for explosives testing over long distances and possibly underground
- missile re-entry vehicle redesign activities for a new payload assessed as being nuclear in nature

Iran is not providing the requisite design information in accordance with the modified Code 3.1 in connection with:

- The IR-40 Reactor
- The announced new enrichment facilities
- The announced new reactor similar to TRR

Iran is not implementing its Additional Protocol

**Source:** Implementation of the NPT Safeguards Agreement and Relevant Provisions of Security Council Resolutions in the Islamic Republic of Iran// Site of the American-Israeli Cooperative Enterprise// [http://www.jewish-virtuallibrary.org/jsource/arabs/IAEA\\_Iran\\_Report\\_25Feb2011.pdf](http://www.jewish-virtuallibrary.org/jsource/arabs/IAEA_Iran_Report_25Feb2011.pdf).

## APPENDIX 4

### Acronyms

ABM	anti-ballistic missile	ICAO	International Civil Aviation Organization
BMD	ballistic missile defense	ICJ	International Court of Justice
BTWC/BWC	Biological and Toxin Weapons Convention (Biological Weapons Convention, BWC)	INF	intermediate-range nuclear forces
BWC	Biological Weapons Convention	INFCE	International Nuclear Fuel Cycle Estimation
CIA	Central Intelligence Agency (U.S.)	LEU	low enriched uranium
CTBT	Comprehensive Nuclear-Test-Ban Treaty	LNG	liquefied natural gas
CTC	Counter-Terrorist Committee	MAD	mutual assured deterrence
CTR	Cooperative Threat Reduction, Nunn-Lugar Program	MIT	Massachusetts Institute of Technology (US)
CW	chemical weapon/warfare	MTCR	Missile Technology Control Regime
CWC	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction	NATO	North Atlantic Treaty Organization
DoD	Department of Defense (U.S.)	NGO	non-governmental organization
DoE	Department of Energy (U.S.)	NNWS	non-nuclear weapon state
DPRK	Democratic People's Republic of Korea	NORAD	North American Aerospace Defense Command
FATF	Financial Action Task Force on Money Laundering	NPT	Treaty on the Non-proliferation of Nuclear Weapons (Nuclear Non-proliferation Treaty)
FMCT	Fissile Material Cut-Off Treaty	NSG	Nuclear Suppliers Group
G8	Group of Eight	NTI	Nuclear Threat Initiative
GDP	gross domestic product	OPCW	Organization for the Prohibition of Chemical Weapons
GNEP	Global Nuclear Energy Partnership	OSCE	Organization for Security and Cooperation in Europe
HEU	high enriched uranium	P5	five permanent members of the UN Security Council
IAEA	International Atomic Energy Agency	PSI	Proliferation Security Initiative
IMEMO	Institute for World Economy and International Relations (Russia)	RAS	Russian Academy of Sciences
IMO	International Maritime Organization	R&D	research and development
		SDI	Strategic Defense Initiative
		START	Strategic Arms Reduction Treaty
		TNT	trinitrotoluol
		UAV	unmanned aerial vehicles
		UNMOVIC	United Nations Monitoring, Verification and Inspection Commission
		UNODC	United Nations Office on Drugs and Crime
		UNSCOM	UN Special Commission (Iraq)
		USEC	United States Enrichment Corporation
		WCO	World Customs Organization
		WHO	World Health Organization
		WMD	weapon of mass destruction
		WMDC	Weapons of Mass Destruction Commission

## APPENDIX 5

### List of Participants in the Conference

#### PRESIDENT OF THE INTERNATIONAL LUXEMBOURG FORUM

1. **Viatcheslav KANTOR** President of the International Luxembourg Forum on Preventing Nuclear Catastrophe; President of the European Jewish Congress; Ph.D. (Russia).

#### PARTICIPANTS

2. **Linton BROOKS** Non-Resident Senior Advisor of the Center for Strategic and International Studies (former Under Secretary of Energy for Nuclear Security and Administrator of the National Nuclear Security Administration); Ambassador (United States).
3. **Joseph CIRINCIONE** President of the Ploughshares Fund (United States).
4. **Anatoliy DIAKOV** Director of the Center for Arms Control, Energy and Environmental Studies of the Moscow Institute of Physics and Technology; Ph.D. (Russia).

5. **Vladimir DVORKIN** Head of the Organizing Committee, International Luxembourg Forum; Principal Researcher of the IMEMO (RAS, former Director of the 4th Major Institute of the Ministry of Defense); Professor; Major-General, ret. (Russia).
6. **Susan EISENHOWER** President of the Eisenhower Group (United States).
7. **Rolf EKEUS** Chairman of the Governing Board, Stockholm International Peace Research Institute (former High Commissioner on National Minorities at the OSCE); Ambassador (Sweden).
8. **Victor ESIN** Senior Associate of the Institute for U.S. and Canadian Studies (RAS); First Vice-President of the Academy for Problems of Security, Defense, Law and Order (former Chief of Armed Service Staff, Strategic Rocket Forces of the Russian Federation); General-Colonel, ret. (Russia).
9. **Vladimir EVSEEV** Senior Associate of the IMEMO (RAS); Ph.D. (Russia).
10. **Henry GAFFNEY** Director for Strategy and Concepts in the Center for Naval Analyses, CNA Corporation; Ph.D. (United States).
11. **Morton HALPERIN** Senior Adviser, Open Society Institute; Ph.D. (United States).
12. **Igor IVANOV** Professor of the Moscow State Institute for International Relations (former Foreign Minister of the Russian Federation, Secretary of the Security Council of the Russian Federation); Ph.D. (Russia).

13. **Catherine KELLEHER** Senior Fellow of the Watson Institute for International Studies, Brown University (United States).
14. **Ariel LEVITE** Non-Resident Senior Associate at the Carnegie Endowment for International Peace (former Deputy National Security Advisor (Defense Policy) and Head of the Bureau of International Security at the Israeli Ministry of Defense); Ph.D. (Israel).
15. **Sam NUNN** Co-Chairman and Chief Executive Officer of the Nuclear Threat Initiative (former Chairman of the Armed Services Committee and the Permanent Subcommittee on Investigations of the U.S. Senate, United States).
16. **Robert NURICK** Consultant (former Director of the Carnegie Moscow Center, United States).
17. **Sergey OZNOBISHCHEV** Director of the Institute for Strategic Assessments; Professor of the Moscow State Institute for International Relations and the Higher School of Economics (former Chief of the Organizational Analytic Division, RAS); Ph.D. (Russia).
18. **William POTTER** Director of the James Martin Center for Non-proliferation Studies and Professor of Non-proliferation Studies, Monterey Institute of International Studies; Ph.D. (United States).
19. **Roald SAGDEEV** Distinguished Professor of Physics and Director of the "East-West" Center at the University of Maryland; Director Emeritus of the Russian Space Research Institute; Academician (RAS, Russia/ United States).
20. **John STEINBRUNER** Professor of the School of Public Policy; Director of the Center for International and Security Studies at the University of Maryland; Ph.D. (United States).







