

International Treaties Relating to Nuclear Control and Disarmament

LEGAL SERIES No. 9

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INTERNATIONAL ATOMIC ENERGY AGENCY, VIENNA, 1975

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INTERNATIONAL TREATIES
RELATING TO NUCLEAR CONTROL
AND DISARMAMENT

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The Agency's Statute was approved on 23 October 1956 by the Conference on the Statute of the IAEA held at United Nations Headquarters, New York; it entered into force on 29 July 1957. The Headquarters of the Agency are situated in Vienna. Its principal objective is "to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world".

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AND DISARMAMENT



INTERNATIONAL ATOMIC ENERGY AGENCY
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FOREWORD

With a view to providing information on developments in the nuclear field aimed at promoting peace throughout the world, the International Atomic Energy Agency is publishing a volume entitled "International Treaties relating to Nuclear Arms Control and Disarmament" as Legal Series No.9. This volume is a continuation of publications of international agreements in the nuclear field, which was started with Legal Series No.1 and continued with Legal Series No.4.

Ten instruments, some of which, such as the Agency's Statute, are of world-wide relevance, were published in 1959 in Legal Series No.1. Conventions on civil liability for nuclear damage and related documents were published in 1966 in Legal Series No.4. A fifth revision of Legal Series No.3, containing a list of all agreements registered with the Agency, was published in 1973.

The purpose of the present publication is to present, in one volume, the official English texts of the most important treaties relating to nuclear arms control and disarmament.

The treaties reproduced in this volume are presented in chronological order. In the case of the Treaty on the Non-Proliferation of Nuclear Weapons, two documents containing provisions directly related to the terms of the Treaty are also reproduced.

Although the Antarctic Treaty and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, deal with subjects of a rather special character, they are reproduced in this volume, as they include provisions relating to nuclear arms control and disarmament.

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DESTRUCTION ON THE SEABED AND THE OCEAN FLOOR
AND IN THE SUBSOIL THEREOF

Signed at London, Moscow and Washington, on
11 February 1971

THE ANTARCTIC TREATY¹

The Governments of Argentina, Australia, Belgium, Chile, the French Republic, Japan, New Zealand, Norway, the Union of South Africa, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Recognizing that it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purposes and shall not become the scene or object of international discord;

Acknowledging the substantial contributions to scientific knowledge resulting from international cooperation in scientific investigation in Antarctica;

Convinced that the establishment of a firm foundation for the continuation and development of such cooperation on the basis of freedom of scientific investigation in Antarctica as applied during the International Geophysical Year accords with the interests of science and the progress of all mankind;

Convinced also that a treaty ensuring the use of Antarctica for peaceful purposes only and the continuance of international harmony in Antarctica will further the purposes and principles embodied in the Charter of the United Nations;

Have agreed as follows:

Article I

(1) Antarctica shall be used for peaceful purposes only. There shall be prohibited, inter alia, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manœuvres, as well as the testing of any type of weapons.

(2) The present Treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

Article II

Freedom of scientific investigation in Antarctica and cooperation toward that end, as applied during the International Geophysical Year, shall continue, subject to the provisions of the present Treaty.

Article III

(1) In order to promote international cooperation in scientific investigation in Antarctica, as provided for in Article II of the present Treaty, the Contracting Parties agree that, to the greatest extent feasible and practicable:

- (a) information regarding plans for scientific programs in Antarctica shall be exchanged to permit maximum economy and efficiency of operations;
- (b) scientific personnel shall be exchanged in Antarctica between expeditions and stations;
- (c) scientific observations and results from Antarctica shall be exchanged and made freely available.

¹ In accordance with article XIII (5), the Treaty came into force on 23 June 1961, upon deposit of instruments of ratification by all the signatory States.

(2) In implementing this Article, every encouragement shall be given to the establishment of cooperative working relations with those Specialized Agencies of the United Nations and other international organizations having a scientific or technical interest in Antarctica.

Article IV

- (1) Nothing contained in the present Treaty shall be interpreted as:
 - (a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;
 - (b) a renunciation or diminution by any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica, or otherwise;
 - (c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.

(2) No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica or create any rights of sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.

Article V

(1) Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.

(2) In the event of the conclusion of international agreements concerning the use of nuclear energy, including nuclear explosions and the disposal of radioactive waste material, to which all of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX are parties, the rules established under such agreements shall apply in Antarctica.

Article VI

The provisions of the present Treaty shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing in the present Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.

Article VII

(1) In order to promote the objectives and ensure the observance of the provisions of the present Treaty, each Contracting Party whose representatives are entitled to participate in the meetings referred to in Article IX of the Treaty shall have the right to designate observers to carry out any inspection provided for by the present Article. Observers shall be nationals of the Contracting Parties which designate them. The names of observers

shall be communicated to every other Contracting Party having the right to designate observers, and like notice shall be given of the termination of their appointment.

(2) Each observer designated in accordance with the provisions of paragraph 1 of this Article shall have complete freedom of access at any time to any or all areas of Antarctica.

(3) All areas of Antarctica, including all stations, installations and equipment within those areas, and all ships and aircraft at points of discharging or embarking cargoes or personnel in Antarctica, shall be open at all times to inspection by any observers designated in accordance with paragraph 1 of this Article.

(4) Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties having the right to designate observers.

(5) Each Contracting Party shall, at the time when the present Treaty enters into force for it, inform the other Contracting Parties, and thereafter shall give them notice in advance, of

- (a) all expeditions to and within Antarctica, on the part of its ships or nationals, and all expeditions to Antarctica organized in or proceeding from its territory;
- (b) all stations in Antarctica occupied by its nationals; and
- (c) any military personnel or equipment intended to be introduced by it into Antarctica subject to the conditions prescribed in paragraph 2 of Article I of the present Treaty.

Article VIII

(1) In order to facilitate the exercise of their functions under the present Treaty, and without prejudice to the respective positions of the Contracting Parties relating to jurisdiction over all other persons in Antarctica, observers designated under paragraph 1 of Article VII and scientific personnel exchanged under subparagraph 1 (b) of Article III of the Treaty, and members of the staffs accompanying any such persons, shall be subject only to the jurisdiction of the Contracting Party of which they are nationals in respect of all acts or omissions occurring while they are in Antarctica for the purpose of exercising their functions.

(2) Without prejudice to the provisions of paragraph 1 of this Article, and pending the adoption of measures in pursuance of subparagraph 1 (e) of Article IX, the Contracting Parties concerned in any case of dispute with regard to the exercise of jurisdiction in Antarctica shall immediately consult together with a view to reaching a mutually acceptable solution.

Article IX

(1) Representatives of the Contracting Parties named in the preamble to the present Treaty shall meet at the City of Canberra within two months after the date of entry into force of the Treaty, and thereafter at suitable intervals and places, for the purpose of exchanging information, consulting together on matters of common interest pertaining to Antarctica, and formulating and

considering, and recommending to their Governments, measures in furtherance of the principles and objectives of the Treaty, including measures regarding:

- (a) use of Antarctica for peaceful purposes only;
- (b) facilitation of scientific research in Antarctica;
- (c) facilitation of international scientific cooperation in Antarctica;
- (d) facilitation of the exercise of the rights of inspection provided for in Article VII of the Treaty;
- (e) questions relating to the exercise of jurisdiction in Antarctica;
- (f) preservation and conservation of living resources in Antarctica.

(2) Each Contracting Party which has become a party to the present Treaty by accession under Article XIII shall be entitled to appoint representatives to participate in the meetings referred to in paragraph 1 of the present Article, during such time as that Contracting Party demonstrates its interest in Antarctica by conducting substantial scientific research activity there, such as the establishment of a scientific station or the despatch of a scientific expedition.

(3) Reports from the observers referred to in Article VII of the present Treaty shall be transmitted to the representatives of the Contracting Parties participating in the meetings referred to in paragraph 1 of the present Article.

(4) The measures referred to in paragraph 1 of this Article shall become effective when approved by all the Contracting Parties whose representatives were entitled to participate in the meetings held to consider those measures.

(5) Any or all of the rights established in the present Treaty may be exercised as from the date of entry into force of the Treaty whether or not any measures facilitating the exercise of such rights have been proposed, considered or approved as provided in this Article.

Article X

Each of the Contracting Parties undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity in Antarctica contrary to the principles or purposes of the present Treaty.

Article XI

(1) If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of the present Treaty, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

(2) Any dispute of this character not so resolved shall, with the consent, in each case, of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement on reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

Article XII

(1) (a) The present Treaty may be modified or amended at any time by unanimous agreement of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX. Any such modification or amendment shall enter into force when the depositary Government has received notice from all such Contracting Parties that they have ratified it.

(b) Such modification or amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification by it has been received by the depositary Government. Any such Contracting Party from which no notice of ratification is received within a period of two years from the date of entry into force of the modification or amendment in accordance with the provisions of subparagraph 1 (a) of this Article shall be deemed to have withdrawn from the present Treaty on the date of the expiration of such period.

(2) (a) If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.

(b) Any modification or amendment to the present Treaty which is approved at such a Conference by a majority of the Contracting Parties there represented, including a majority of those whose representatives are entitled to participate in the meetings provided for under Article IX, shall be communicated by the depositary Government to all the Contracting Parties immediately after the termination of the Conference and shall enter into force in accordance with the provisions of paragraph 1 of the present Article.

(c) If any such modification or amendment has not entered into force in accordance with the provisions of subparagraph 1 (a) of this Article within a period of two years after the date of its communication to all the Contracting Parties, any Contracting Party may at any time after the expiration of that period give notice to the depositary Government of its withdrawal from the present Treaty; and such withdrawal shall take effect two years after the receipt of the notice by the depositary Government.

Article XIII

(1) The present Treaty shall be subject to ratification by the signatory States. It shall be open for accession by any State which is a Member of the United Nations, or by any other State which may be invited to accede to the Treaty with the consent of all the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX of the Treaty.

(2) Ratification of or accession to the present Treaty shall be effected by each State in accordance with its constitutional processes.

(3) Instruments of ratification and instruments of accession shall be deposited with the Government of the United States of America, hereby designated as the Depositary Government.

(4) The Depositary Government shall inform all signatory and acceding States of the date of each deposit of an instrument of ratification or accession, and the date of entry into force of the Treaty and of any modification or amendment thereto.

(5) Upon the deposit of instruments of ratification by all the signatory States, the present Treaty shall enter into force for those States and for States which have deposited instruments of accession. Thereafter the Treaty shall enter into force for any acceding State upon the deposit of its instrument of accession.

(6) The present Treaty shall be registered by the Depositary Government pursuant to Article 102 of the Charter of the United Nations.

Article XIV

The present Treaty, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United States of America, which shall transmit duly certified copies thereof to the Governments of the signatory and acceding States.

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

DONE at Washington this first day of December, one thousand nine hundred and fifty-nine.

TREATY¹ BANNING NUCLEAR WEAPON TESTS IN THE ATMOSPHERE, IN OUTER SPACE AND UNDER WATER

The Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, hereinafter referred to as the "Original Parties",

Proclaiming as their principal aim the speediest possible achievement of an agreement on general and complete disarmament under strict international control in accordance with the objectives of the United Nations which would put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons,

Seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time, determined to continue negotiations to this end, and desiring to put an end to the contamination of man's environment by radioactive substances,

Have agreed as follows:

Article I

(1) Each of the Parties to this Treaty undertakes to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control:

- (a) in the atmosphere; beyond its limits, including outer space; or under water, including territorial waters or high seas; or
- (b) in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. It is understood in this connection that the provisions of this subparagraph are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusion of which, as the Parties have stated in the Preamble to this Treaty, they seek to achieve.

(2) Each of the Parties to this Treaty undertakes furthermore to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, or any other nuclear explosion, anywhere which would take place in any of the environments described, or have the effect referred to, in paragraph 1 of this Article.

Article II

(1) Any Party may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which

¹The Treaty came into force on 10 October 1963, the date of deposit of the instruments of ratification by the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America with each of the three depositary Governments, in accordance with paragraph 3 of article III.

shall circulate it to all Parties to this Treaty. Thereafter, if requested to do so by one-third or more of the Parties, the Depositary Governments shall convene a conference, to which they shall invite all the Parties, to consider such amendment.

(2) Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to this Treaty, including the votes of all of the Original Parties. The amendment shall enter into force for all Parties upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all of the Original Parties.

Article III

(1) This Treaty shall be open to all States for signature. Any State which does not sign this 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 Original Parties – 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 all the Original Parties and the deposit of their instruments of ratification.

(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 of and accession to this Treaty, the date of its entry into force, and the date of receipt of any requests for conferences or other notices.

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

Article IV

This Treaty shall be of unlimited duration.

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 three months in advance.

Article V

This Treaty, of which the English and Russian texts 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 city of Moscow the fifth day of August, one thousand nine hundred and sixty-three.

For the Government
of the United States
of America:

DEAN RUSK

For the Government
of the United Kingdom
of Great Britain and
Northern Ireland:

HOME

For the Government
of the Union of
Soviet Socialist
Republics:

А. ГРОМЫКО

TREATY¹ ON PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE, INCLUDING THE MOON AND OTHER CELESTIAL BODIES

The States Parties to this Treaty,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the benefit of all peoples irrespective of the degree of their economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between States and peoples,

Recalling resolution 1962 (XVIII), entitled "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", which was adopted unanimously by the United Nations General Assembly on 13 December 1963,²

Recalling resolution 1884 (XVIII), calling upon States to refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction or from installing such weapons on celestial bodies, which was adopted unanimously by the United Nations General Assembly on 17 October 1963,³

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947,⁴ which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

¹ Came into force on 10 October 1967, the date of deposit of the instruments of ratification by five Governments, including the Governments designated as Depositary Governments under the Treaty, i. e. the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, in accordance with paragraph 3 of article XIV.

² United Nations, Official Records of the General Assembly, Eighteenth Session, Supplement No. 15 (A/5515), p. 15.

³ United Nations, Official Records of the General Assembly, Eighteenth Session, Supplement No. 15 (A/5515), p. 13.

⁴ United Nations, Official Records of the Second Session of the General Assembly, p. 14.

Convinced that a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, will further the Purposes and Principles of the Charter of the United Nations,

Have agreed on the following:

Article I

The exploration and use of outer space, including the moon and other celestial bodies, shall be carried out for the benefit and in the interests of all countries, irrespective of their degree of economic or scientific development, and shall be the province of all mankind.

Outer space, including the moon and other celestial bodies, shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law, and there shall be free access to all areas of celestial bodies.

There shall be freedom of scientific investigation in outer space, including the moon and other celestial bodies, and States shall facilitate and encourage international co-operation in such investigation.

Article II

Outer space, including the moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

Article III

States Parties to the Treaty shall carry on activities in the exploration and use of outer space, including the moon and other celestial bodies, in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

Article IV

States Parties to the Treaty undertake not to place in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, install such weapons on celestial bodies, or station such weapons in outer space in any other manner.

The moon and other celestial bodies shall be used by all States Parties to the Treaty exclusively for peaceful purposes. The establishment of military bases, installations and fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies shall be forbidden. The use of military personnel for scientific research or for any other peaceful purposes shall not be prohibited. The use of any equipment or facility necessary for peaceful exploration of the moon and other celestial bodies shall also not be prohibited.

Article V

States Parties to the Treaty shall regard astronauts as envoys of mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas. When astronauts make such a landing, they shall be safely and promptly returned to the State of registry of their space vehicle.

In carrying on activities in outer space and on celestial bodies, the astronauts of one State Party shall render all possible assistance to the astronauts of other States Parties.

States Parties to the Treaty shall immediately inform the other States Parties to the Treaty or the Secretary-General of the United Nations of any phenomena they discover in outer space, including the moon and other celestial bodies, which could constitute a danger to the life or health of astronauts.

Article VI

States Parties to the Treaty shall bear international responsibility for national activities in outer space, including the moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried out in conformity with the provisions set forth in the present Treaty. The activities of non-governmental entities in outer space, including the moon and other celestial bodies, shall require authorization and continuing supervision by the appropriate State Party to the Treaty. When activities are carried on in outer space, including the moon and other celestial bodies, by an international organization, responsibility for compliance with this Treaty shall be borne both by the international organization and by the States Parties to the Treaty participating in such organization.

Article VII

Each State Party to the Treaty that launches or procures the launching of an object into outer space, including the moon and other celestial bodies, and each State Party from whose territory or facility an object is launched, is internationally liable for damage to another State Party to the Treaty or to its natural or juridical persons by such object or its component parts on the Earth, in air space or in outer space, including the moon and other celestial bodies.

Article VIII

A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body. Ownership of objects launched into outer space, including objects landed or constructed on a celestial body, and of their component parts, is not affected by their presence in outer space or on a celestial body or by their return to the Earth. Such objects or component parts found beyond the limits of the State Party to the Treaty on whose registry they are carried shall be returned to that State Party, which shall, upon request, furnish identifying data prior to their return.

Article IX

In the exploration and use of outer space, including the moon and other celestial bodies, States Parties to the Treaty shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space, including the moon and other celestial bodies, with due regard to the corresponding interests of all other States Parties to the Treaty. States Parties to the Treaty shall pursue studies of outer space, including the moon and other celestial bodies, and conduct exploration of them so as to avoid their harmful contamination and also adverse changes in the environment of the Earth resulting from the introduction of extraterrestrial matter and, where necessary, shall adopt appropriate measures for this purpose. If a State Party to the Treaty has reason to believe that an activity or experiment planned by it or its nationals in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities of other States Parties in the peaceful exploration and use of outer space, including the moon and other celestial bodies, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State Party to the Treaty which has reason to believe that an activity or experiment planned by another State Party in outer space, including the moon and other celestial bodies, would cause potentially harmful interference with activities in the peaceful exploration and use of outer space, including the moon and other celestial bodies, may request consultation concerning the activity or experiment.

Article X

In order to promote international co-operation in the exploration and use of outer space, including the moon and other celestial bodies, in conformity with the purposes of this Treaty, the States Parties to the Treaty shall consider on a basis of equality any requests by other States Parties to the Treaty to be afforded an opportunity to observe the flight of space objects launched by those States.

The nature of such an opportunity for observation and the conditions under which it could be afforded shall be determined by agreement between the States concerned.

Article XI

In order to promote international co-operation in the peaceful exploration and use of outer space, States Parties to the Treaty conducting activities in outer space, including the moon and other celestial bodies, agree to inform the Secretary-General of the United Nations as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities. On receiving the said information, the Secretary-General of the United Nations should be prepared to disseminate it immediately and effectively.

Article XII

All stations, installations, equipment and space vehicles on the moon and other celestial bodies shall be open to representatives of other States Parties

to the Treaty on a basis of reciprocity. Such representatives shall give reasonable advance notice of a projected visit, in order that appropriate consultations may be held and that maximum precautions may be taken to assure safety and to avoid interference with normal operations in the facility to be visited.

Article XIII

The provisions of this Treaty shall apply to the activities of States Parties to the Treaty in the exploration and use of outer space, including the moon and other celestial bodies, whether such activities are carried on by a single State Party to the Treaty or jointly with other States, including cases where they are carried on within the framework of international inter-governmental organizations.

Any practical questions arising in connexion with activities carried on by international inter-governmental organizations in the exploration and use of outer space, including the moon and other celestial bodies, shall be resolved by the States Parties to the Treaty either with the appropriate international organization or with one or more States members of that international organization, which are Parties to this Treaty.

Article XIV

(1) This Treaty shall be open to all States for signature. Any State which does not sign this 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 Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, which are hereby designated the Depositary Governments.

(3) This Treaty shall enter into force upon the deposit of instruments of ratification by five Governments including the Governments designated as Depositary Governments under this Treaty.

(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 of and accession to this Treaty, the date of its entry into force and other notices.

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

Article XV

Any State Party to the Treaty may propose amendments to this Treaty. Amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties to

the Treaty and thereafter for each remaining State Party to the Treaty on the date of acceptance by it.

Article XVI

Any State Party to the Treaty may give notice of its withdrawal from the Treaty one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XVII

This Treaty, of which the English, Russian, French, Spanish and Chinese texts 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 London, Moscow and Washington, the twenty-seventh day of January, one thousand nine hundred and sixty-seven.

TREATY¹ FOR THE PROHIBITION OF NUCLEAR WEAPONS IN LATIN AMERICA (with additional Protocol I and additional Protocol II)

PREAMBLE

In the name of their peoples and faithfully interpreting their desires and aspirations, the Governments of the States which sign the Treaty for the Prohibition of Nuclear Weapons in Latin America,

DESIRING to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on the sovereign equality of States, mutual respect and good neighbourliness,

RECALLING that the United Nations General Assembly, in its Resolution 808 (IX),² adopted unanimously as one of the three points of a coordinated programme of disarmament "the total prohibition of the use and manufacture of nuclear weapons and weapons of mass destruction of every type",

RECALLING that militarily denuclearized zones are not an end in themselves but rather a means for achieving general and complete disarmament at a later stage,

RECALLING United Nations General Assembly Resolution 1911 (XVIII),³ which established that the measures that should be agreed upon for the denuclearization of Latin America should be taken "in the light of the principles of the Charter of the United Nations and of regional agreements",

RECALLING United Nations General Assembly Resolution 2028 (XX),⁴ which established the principle of an acceptable balance of mutual responsibilities and duties for the nuclear and non-nuclear powers, and

RECALLING that the Charter of the Organization of American States proclaims that it is an essential purpose of the Organization to strengthen the peace and security of the hemisphere,

¹ In accordance with paragraph 2 of article 28, the Treaty came into force on 22 April 1968 as between Mexico and El Salvador, on behalf of which instruments of ratification, with annexed declarations wholly waiving the requirements laid down in paragraph 1 of the same article for the entry into force of the Treaty, were deposited with the Government of Mexico on 20 September 1967 and 22 April 1968, respectively. An instrument of ratification was also deposited, on 29 January 1968, by the Government of Brazil (not availing itself of the waiver provided in article 28, paragraph 2).

² United Nations, Official Records of the General Assembly, Ninth Session, Supplement No. 21 (A/2890), p. 3.

³ United Nations, Official Records of the General Assembly, Eighteenth Session, Supplement No. 15 (A/5515), p. 14.

⁴ United Nations, Official Records of the General Assembly, Twentieth Session, Supplement No. 14 (A/6014), p. 7.

CONVINCED:

That the incalculable destructive power of nuclear weapons has made it imperative that the legal prohibition of war should be strictly observed in practice if the survival of civilization and of mankind itself is to be assured,

That nuclear weapons, whose terrible effects are suffered, indiscriminately and inexorably, by military forces and civilian population alike, constitute, through the persistence of the radioactivity they release, an attack on the integrity of the human species and ultimately even render the whole earth uninhabitable,

That general and complete disarmament under effective international control is a vital matter which all the peoples of the world equally demand,

That the proliferation of nuclear weapons, which seems inevitable unless States, in the exercise of their sovereign rights, impose restrictions on themselves in order to prevent it, would make any agreement on disarmament enormously difficult and would increase the danger of the outbreak of a nuclear conflagration,

That the establishment of militarily denuclearized zones is closely linked with the maintenance of peace and security in the respective regions,

That the military denuclearization of vast geographical zones, adopted by the sovereign decision of the States comprised therein, will exercise a beneficial influence on other regions where similar conditions exist,

That the privileged situation of the signatory States, whose territories are wholly free from nuclear weapons, imposes upon them the inescapable duty of preserving that situation both in their own interests and for the good of mankind,

That the existence of nuclear weapons in any country of Latin America would make it a target for possible nuclear attacks and would inevitably set off, throughout the region, a ruinous race in nuclear weapons which would involve the unjustifiable diversion, for warlike purposes, of the limited resources required for economic and social development,

That the foregoing reasons, together with the traditional peace-loving outlook of Latin America, give rise to an inescapable necessity that nuclear energy should be used in that region exclusively for peaceful purposes, and that the Latin American countries should use their right to the greatest and most equitable possible access to this new source of energy in order to expedite the economic and social development of their peoples,

CONVINCED FINALLY:

That the military denuclearization of Latin America – being understood to mean the undertaking entered into internationally in this Treaty to keep their territories forever free from nuclear weapons – will constitute a measure which will spare their peoples from the squandering of their limited resources on nuclear armaments and will protect them against possible nuclear attacks on their territories, and will also constitute a significant contribution towards preventing the proliferation of nuclear weapons and a powerful factor for general and complete disarmament, and

That Latin America, faithful to its tradition of universality, must not only endeavour to banish from its homelands the scourge of a nuclear war, but must also strive to promote the well-being and advancement of its peoples, at the same time co-operating in the fulfilment of the ideals of mankind, that is to say, in the consolidation of a permanent peace based on equal rights, economic fairness and social justice for all, in accordance with the principles and purposes set forth in the Charter of the United Nations and in the Charter of the Organization of American States,

HAVE AGREED AS FOLLOWS:

OBLIGATIONS

Article 1

(1) The Contracting Parties hereby undertake to use exclusively for peaceful purposes the nuclear material and facilities which are under their jurisdiction, and to prohibit and prevent in their respective territories:

- (a) The testing, use, manufacture, production or acquisition by any means whatsoever of any nuclear weapons, by the Parties themselves, directly or indirectly, on behalf of anyone else or in any other way, and
- (b) The receipt, storage, installation, deployment and any form of possession of any nuclear weapons, directly or indirectly, by the Parties themselves, by anyone on their behalf or in any other way.

(2) The Contracting Parties also undertake to refrain from engaging in, encouraging or authorizing, directly or indirectly, or in any way participating in the testing, use, manufacture, production, possession or control of any nuclear weapon.

DEFINITION OF THE CONTRACTING PARTIES

Article 2

For the purposes of this Treaty, the Contracting Parties are those for whom the Treaty is in force.

DEFINITION OF TERRITORY

Article 3

For the purposes of this Treaty, the term "territory" shall include the territorial sea, air space and any other space over which the State exercises sovereignty in accordance with its own legislation.

ZONE OF APPLICATION

Article 4

(1) The zone of application of this Treaty is the whole of the territories for which the Treaty is in force.

(2) Upon fulfilment of the requirements of article 28, paragraph 1, the zone of application of this Treaty shall also be that which is situated in the western hemisphere within the following limits (except the continental part of the territory of the United States of America and its territorial waters): starting at a point located at 35° north latitude, 75° west longitude; from this point directly southward to a point at 30° north latitude, 75° west longitude; from there, directly eastward to a point at 30° north latitude, 50° west longitude; from there, along a loxodromic line to a point at 5° north latitude, 20° west longitude; from there, directly southward to a point at 60° south latitude, 20° west longitude; from there, directly westward to a point at 60° south latitude, 115° west longitude; from there, directly northward to a point at 0 latitude, 115° west longitude; from there, along a loxodromic line to a point at 35° north latitude, 150° west longitude; from there, directly eastward to a point at 35° north latitude, 75° west longitude.

DEFINITION OF NUCLEAR WEAPONS

Article 5

For the purposes of this Treaty, a nuclear weapon is any device which is capable of releasing nuclear energy in an uncontrolled manner and which has a group of characteristics that are appropriate for use for warlike purposes. An instrument that may be used for the transport or propulsion of the device is not included in this definition if it is separable from the device and not an indivisible part thereof.

MEETING OF SIGNATORIES

Article 6

At the request of any of the signatory States or if the Agency established by article 7 should so decide, a meeting of all the signatories may be convoked to consider in common questions which may affect the very essence of this instrument, including possible amendments to it. In either case, the meeting will be convoked by the General Secretary.

ORGANIZATION

Article 7

(1) In order to ensure compliance with the obligations of this Treaty, the Contracting Parties hereby establish an international organization to be known as the Agency for the Prohibition of Nuclear Weapons in Latin America, hereinafter referred to as "the Agency". Only the Contracting Parties shall be affected by its decisions.

(2) The Agency shall be responsible for the holding of periodic or extraordinary consultations among Member States on matters relating to the purposes, measures and procedures set forth in this Treaty and to the supervision of compliance with the obligations arising therefrom.

(3) The Contracting Parties agree to extend to the Agency full and prompt co-operation in accordance with the provisions of this Treaty, of any agreements they may conclude with the Agency and of any agreements the Agency may conclude with any other international organization or body.

(4) The headquarters of the Agency shall be in Mexico City.

ORGANS

Article 8

(1) There are hereby established as principal organs of the Agency a General Conference, a Council and a Secretariat.

(2) Such subsidiary organs as are considered necessary by the General Conference may be established within the purview of this Treaty.

THE GENERAL CONFERENCE

Article 9

(1) The General Conference, the supreme organ of the Agency, shall be composed of all the Contracting Parties; it shall hold regular sessions every two years, and may also hold special sessions whenever this Treaty so provides or, in the opinion of the Council, the circumstances so require.

(2) The General Conference:

- (a) May consider and decide on any matters or questions covered by this Treaty, within the limits thereof, including those referring to powers and functions of any organ provided for in this Treaty;
- (b) Shall establish procedures for the control system to ensure observance of this Treaty in accordance with its provisions;
- (c) Shall elect the Members of the Council and the General Secretary;
- (d) May remove the General Secretary from office if the proper functioning of the Agency so requires;
- (e) Shall receive and consider the biennial and special reports submitted by the Council and the General Secretary;
- (f) Shall initiate and consider studies designed to facilitate the optimum fulfilment of the aims of this Treaty, without prejudice to the power of the General Secretary independently to carry out similar studies for submission to and consideration by the Conference;
- (g) Shall be the organ competent to authorize the conclusion of agreements with Governments and other international organizations and bodies.

(3) The General Conference shall adopt the Agency's budget and fix the scale of financial contributions to be paid by Member States, taking into account the systems and criteria used for the same purpose by the United Nations.

(4) The General Conference shall elect its officers for each session and may establish such subsidiary organs as it deems necessary for the performance of its functions.

(5) Each Member of the Agency shall have one vote. The decisions of the General Conference shall be taken by a two-thirds majority of the Members present and voting in the case of matters relating to the control system and measures referred to in article 20, the admission of new Members, the election or removal of the General Secretary, adoption of the budget and matters related thereto. Decisions on other matters, as well as procedural questions and also determination of which questions must be decided by a two-thirds majority, shall be taken by a simple majority of the Members present and voting.

(6) The General Conference shall adopt its own rules of procedure.

THE COUNCIL

Article 10

(1) The Council shall be composed of five Members of the Agency elected by the General Conference from among the Contracting Parties, due account being taken of equitable geographic distribution.

(2) The Members of the Council shall be elected for a term of four years. However, in the first election three will be elected for two years. Outgoing Members may not be re-elected for the following period unless the limited number of States for which the Treaty is in force so requires.

(3) Each Member of the Council shall have one representative.

(4) The Council shall be so organized as to be able to function continuously.

(5) In addition to the functions conferred upon it by this Treaty and to those which may be assigned to it by the General Conference, the Council shall, through the General Secretary, ensure the proper operation of the control system in accordance with the provisions of this Treaty and with the decisions adopted by the General Conference.

(6) The Council shall submit an annual report on its work to the General Conference as well as such special reports as it deems necessary or which the General Conference requests of it.

(7) The Council shall elect its officers for each session.

(8) The decisions of the Council shall be taken by a simple majority of its Members present and voting.

(9) The Council shall adopt its own rules of procedure.

THE SECRETARIAT

Article 11

(1) The Secretariat shall consist of a General Secretary, who shall be the chief administrative officer of the Agency, and of such staff as the Agency may require. The term of office of the General Secretary shall be four years

and he may be re-elected for a single additional term. The General Secretary may not be a national of the country in which the Agency has its headquarters. In case the office of General Secretary becomes vacant, a new election shall be held to fill the office for the remainder of the term.

(2) The staff of the Secretariat shall be appointed by the General Secretary, in accordance with rules laid down by the General Conference.

(3) In addition to the functions conferred upon him by this Treaty and to those which may be assigned to him by the General Conference, - the General Secretary shall ensure, as provided by article 10, paragraph 5, the proper operation of the control system established by this Treaty, in accordance with the provisions of the Treaty and the decisions taken by the General Conference.

(4) The General Secretary shall act in that capacity in all meetings of the General Conference and of the Council and shall make an annual report to both bodies on the work of the Agency and any special reports requested by the General Conference or the Council or which the General Secretary may deem desirable.

(5) The General Secretary shall establish the procedures for distributing to all Contracting Parties information received by the Agency from governmental sources and such information from non-governmental sources as may be of interest to the Agency.

(6) In the performance of their duties the General Secretary and the staff shall not seek or receive instructions from any Government or from any other authority external to the Agency and shall refrain from any action which might reflect on their position as international officials responsible only to the Agency; subject to their responsibility to the Agency, they shall not disclose any industrial secrets or other confidential information coming to their knowledge by reason of their official duties in the Agency.

(7) Each of the Contracting Parties undertakes to respect the exclusively international character of the responsibilities of the General Secretary and the staff and not to seek to influence them in the discharge of their responsibilities.

CONTROL SYSTEM

Article 12

(1) For the purpose of verifying compliance with the obligations entered into by the Contracting Parties in accordance with article 1, a control system shall be established which shall be put into effect in accordance with the provisions of articles 13-18 of this Treaty.

(2) The control system shall be used in particular for the purpose of verifying:

- (a) That devices, services and facilities intended for peaceful uses of nuclear energy are not used in the testing or manufacture of nuclear weapons;

- (b) That none of the activities prohibited in article 1 of this Treaty are carried out in the territory of the Contracting Parties with nuclear materials or weapons introduced from abroad, and
- (c) That explosions for peaceful purposes are compatible with article 18 of this Treaty.

IAEA SAFEGUARDS

Article 13

Each Contracting Party shall negotiate multilateral or bilateral agreements with the International Atomic Energy Agency for the application of its safeguards to its nuclear activities. Each Contracting Party shall initiate negotiations within a period of 180 days after the date of the deposit of its instrument of ratification of this Treaty. These agreements shall enter into force, for each Party, not later than eighteen months after the date of the initiation of such negotiations except in case of unforeseen circumstances or force majeure.

REPORTS OF THE PARTIES

Article 14

(1) The Contracting Parties shall submit to the Agency and to the International Atomic Energy Agency, for their information, semi-annual reports stating that no activity prohibited under this Treaty has occurred in their respective territories.

(2) The Contracting Parties shall simultaneously transmit to the Agency a copy of any report they may submit to the International Atomic Energy Agency which relates to matters that are the subject of this Treaty and to the application of safeguards.

(3) The Contracting Parties shall also transmit to the Organization of American States, for its information, any reports that may be of interest to it, in accordance with the obligations established by the Inter-American System.

SPECIAL REPORTS REQUESTED BY THE GENERAL SECRETARY

Article 15

(1) With the authorization of the Council, the General Secretary may request any of the Contracting Parties to provide the Agency with complementary or supplementary information regarding any event or circumstance connected with compliance with this Treaty, explaining his reasons. The Contracting Parties undertake to co-operate promptly and fully with the General Secretary.

(2) The General Secretary shall inform the Council and the Contracting Parties forthwith of such requests and of the respective replies.

SPECIAL INSPECTIONS

Article 16

(1) The International Atomic Energy Agency and the Council established by this Treaty have the power of carrying out special inspections in the following cases:

- (a) In the case of the International Atomic Energy Agency, in accordance with the agreements referred to in article 13 of this Treaty;
- (b) In the case of the Council:
 - (i) When so requested, the reasons for the request being stated, by any Party which suspects that some activity prohibited by this Treaty has been carried out or is about to be carried out, either in the territory of any other Party or in any other place on such latter Party's behalf, the Council shall immediately arrange for such an inspection in accordance with article 10, paragraph 5;
 - (ii) When requested by any Party which has been suspected of or charged with having violated this Treaty, the Council shall immediately arrange for the special inspection requested in accordance with article 10, paragraph 5.

The above requests will be made to the Council through the General Secretary.

(2) The costs and expenses of any special inspection carried out under paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article shall be borne by the requesting Party or Parties, except where the Council concludes on the basis of the report on the special inspection that, in view of the circumstances existing in the case, such costs and expenses should be borne by the Agency.

(3) The General Conference shall formulate the procedures for the organization and execution of the special inspections carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

(4) The Contracting Parties undertake to grant the inspectors carrying out such special inspections full and free access to all places and all information which may be necessary for the performance of their duties and which are directly and intimately connected with the suspicion of violation of this Treaty. If so requested by the authorities of the Contracting Party in whose territory the inspection is carried out, the inspectors designated by the General Conference shall be accompanied by representatives of said authorities, provided that this does not in any way delay or hinder the work of the inspectors.

(5) The Council shall immediately transmit to all the Parties, through the General Secretary, a copy of any report resulting from special inspections.

(6) Similarly, the Council shall send through the General Secretary to the Secretary-General of the United Nations, for transmission to the United Nations Security Council and General Assembly, and to the Council of the Organization of American States, for its information, a copy of any report resulting from any special inspection carried out in accordance with paragraph 1, sub-paragraph (b), sections (i) and (ii) of this article.

(7) The Council may decide, or any Contracting Party may request, the convening of a special session of the General Conference for the purpose of considering the reports resulting from any special inspection. In such a case, the General Secretary shall take immediate steps to convene the special session requested.

(8) The General Conference, convened in special session under this article, may make recommendations to the Contracting Parties and submit reports to the Secretary-General of the United Nations to be transmitted to the United Nations Security Council and the General Assembly.

USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES

Article 17

Nothing in the provisions of this Treaty shall prejudice the rights of the Contracting Parties, in conformity with this Treaty, to use nuclear energy for peaceful purposes, in particular for their economic development and social progress.

EXPLOSIONS FOR PEACEFUL PURPOSES

Article 18

(1) The Contracting Parties may carry out explosions of nuclear devices for peaceful purposes – including explosions which involve devices similar to those used in nuclear weapons – or collaborate with third parties for the same purpose, provided that they do so in accordance with the provisions of this article and the other articles of the Treaty, particularly articles 1 and 5.

(2) Contracting Parties intending to carry out, or to co-operate in carrying out, such an explosion shall notify the Agency and the International Atomic Energy Agency, as far in advance as the circumstances require, of the date of the explosion and shall at the same time provide the following information:

- (a) The nature of the nuclear device and the source from which it was obtained;
- (b) The place and purpose of the planned explosion;
- (c) The procedures which will be followed in order to comply with paragraph 3 of this article;
- (d) The expected force of the device, and
- (e) The fullest possible information on any possible radioactive fall-out that may result from the explosion or explosions, and measures which will be taken to avoid danger to the population, flora, fauna and territories of any other Party or Parties.

(3) The General Secretary and the technical personnel designated by the Council and the International Atomic Energy Agency may observe all the preparations, including the explosion of the device, and shall have unrestricted access to any area in the vicinity of the site of the explosion in order to

ascertain whether the device and the procedures followed during the explosion are in conformity with the information supplied under paragraph 2 of this article and the other provisions of this Treaty.

(4) The Contracting Parties may accept the collaboration of third parties for the purpose set forth in paragraph 1 of the present article, in accordance with paragraphs 2 and 3 thereof.

RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

Article 19

(1) The Agency may conclude such agreements with the International Atomic Energy Agency as are authorized by the General Conference and as it considers likely to facilitate the efficient operation of the control system established by this Treaty.

(2) The Agency may also enter into relations with any international organization or body, especially any which may be established in the future to supervise disarmament or measures for the control of armaments in any part of the world.

(3) The Contracting Parties may, if they see fit, request the advice of the Inter-American Nuclear Energy Commission on all technical matters connected with the application of this Treaty with which the Commission is competent to deal under its Statute.

MEASURES IN THE EVENT OF VIOLATION OF THE TREATY

Article 20

(1) The General Conference shall take note of all cases in which, in its opinion, any Contracting Party is not complying fully with its obligations under this Treaty and shall draw the matter to the attention of the Party concerned, making such recommendations as it deems appropriate.

(2) If, in its opinion, such non-compliance constitutes a violation of this Treaty which might endanger peace and security, the General Conference shall report thereon simultaneously to the United Nations Security Council and the General Assembly through the Secretary-General of the United Nations, and to the Council of the Organization of American States. The General Conference shall likewise report to the International Atomic Energy Agency for such purposes as are relevant in accordance with its Statute.

UNITED NATIONS AND ORGANIZATION OF AMERICAN STATES

Article 21

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the Parties under the Charter of the United Nations or, in the case of States Members of the Organization of American States, under existing regional treaties.

PRIVILEGES AND IMMUNITIES

Article 22

(1) The Agency shall enjoy in the territory of each of the Contracting Parties such legal capacity and such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes.

(2) Representatives of the Contracting Parties accredited to the Agency and officials of the Agency shall similarly enjoy such privileges and immunities as are necessary for the performance of their functions.

(3) The Agency may conclude agreements with the Contracting Parties with a view to determining the details of the application of paragraphs 1 and 2 of this article.

NOTIFICATION OF OTHER AGREEMENTS

Article 23

Once this Treaty has entered into force, the Secretariat shall be notified immediately of any international agreement concluded by any of the Contracting Parties on matters with which this Treaty is concerned; the Secretariat shall register it and notify the other Contracting Parties.

SETTLEMENT OF DISPUTES

Article 24

Unless the Parties concerned agree on another mode of peaceful settlement, any question or dispute concerning the interpretation or application of this Treaty which is not settled shall be referred to the International Court of Justice with the prior consent of the Parties to the controversy.

SIGNATURE

Article 25

(1) This Treaty shall be open indefinitely for signature by:

- (a) All the Latin American Republics, and
- (b) All other sovereign States situated in their entirety south of latitude 35° north in the western hemisphere; and, except as provided in paragraph 2 of this article, all such States which become sovereign, when they have been admitted by the General Conference.

(2) The General Conference shall not take any decision regarding the admission of a political entity part or all of whose territory is the subject, prior to the date when this Treaty is opened for signature, of a dispute or claim between an extra-continental country and one or more Latin American States, so long as the dispute has not been settled by peaceful means.

RATIFICATION AND DEPOSIT

Article 26

(1) This Treaty shall be subject to ratification by signatory States in accordance with their respective constitutional procedures.

(2) This Treaty and the instruments of ratification shall be deposited with the Government of the Mexican United States, which is hereby designated the Depositary Government.

(3) The Depositary Government shall send certified copies of this Treaty to the Governments of signatory States and shall notify them of the deposit of each instrument of ratification.

RESERVATIONS

Article 27

This Treaty shall not be subject to reservations.

ENTRY INTO FORCE

Article 28

(1) Subject to the provisions of paragraph 2 of this article, this Treaty shall enter into force among the States that have ratified it as soon as the following requirements have been met:

- (a) Deposit of the instruments of ratification of this Treaty with the Depositary Government by the Governments of the States mentioned in article 25 which are in existence on the date when this Treaty is opened for signature and which are not affected by the provisions of article 25, paragraph 2;
- (b) Signature and ratification of Additional Protocol I annexed to this Treaty by all extra-continental or continental States having de jure or de facto international responsibility for territories situated in the zone of application of the Treaty;
- (c) Signature and ratification of the Additional Protocol II annexed to this Treaty by all powers possessing nuclear weapons;
- (d) Conclusion of bilateral or multilateral agreements on the application of the Safeguards System of the International Atomic Energy Agency in accordance with article 13 of this Treaty.

(2) All signatory States shall have the imprescriptible right to waive, wholly or in part, the requirements laid down in the preceding paragraph. They may do so by means of a declaration which shall be annexed to their respective instrument of ratification and which may be formulated at the time of deposit of the instrument or subsequently. For those States which exercise this right, this Treaty shall enter into force upon deposit of the declaration, or as soon as those requirements have been met which have not been expressly waived.

(3) As soon as this Treaty has entered into force in accordance with the provisions of paragraph 2 for eleven States, the Depositary Government shall convene a preliminary meeting of those States in order that the Agency may be set up and commence its work.

(4) After the entry into force of this Treaty for all the countries of the zone, the rise of a new power possessing nuclear weapons shall have the effect of suspending the execution of this Treaty for those countries which have ratified it without waiving requirements of paragraph 1, sub-paragraph (c) of this article, and which request such suspension; the Treaty shall remain suspended until the new power, on its own initiative or upon request by the General Conference, ratifies the annexed Additional Protocol II.

AMENDMENTS

Article 29

(1) Any Contracting Party may propose amendments to this Treaty and shall submit its proposals to the Council through the General Secretary, who shall transmit them to all the other Contracting Parties and, in addition, to all other signatories in accordance with article 6. The Council, through the General Secretary, shall immediately following the meeting of signatories convene a special session of the General Conference to examine the proposals made, for the adoption of which a two-thirds majority of the Contracting Parties present and voting shall be required.

(2) Amendments adopted shall enter into force as soon as the requirements set forth in article 28 of this Treaty have been complied with.

DURATION AND DENUNCIATION

Article 30

(1) This Treaty shall be of a permanent nature and shall remain in force indefinitely, but any Party may denounce it by notifying the General Secretary of the Agency if, in opinion of the denouncing State, there have arisen or may arise circumstances connected with the content of this Treaty or of the annexed Additional Protocols I and II which affect its supreme interests or the peace and security of one or more Contracting Parties.

(2) The denunciation shall take effect three months after the delivery to the General Secretary of the Agency of the notification by the Government of the signatory State concerned. The General Secretary shall immediately communicate such notification to the other Contracting Parties and to the Secretary-General of the United Nations for the information of the United Nations Security Council and the General Assembly. He shall also communicate it to the Secretary-General of the Organization of American States.

AUTHENTIC TEXTS AND REGISTRATION

Article 31

This Treaty, of which the Spanish, Chinese, English, French, Portuguese and Russian texts are equally authentic, shall be registered by the Depositary

Government in accordance with article 102 of the United Nations Charter. The Depositary Government shall notify the Secretary-General of the United Nations of the signatures, ratifications and amendments relating to this Treaty and shall communicate them to the Secretary-General of the Organization of American States for its information.

Transitional Article

Denunciation of the declaration referred to in article 28, paragraph 2, shall be subject to the same procedures as the denunciation of this Treaty, except that it will take effect on the date of delivery of the respective notification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Treaty on behalf of their respective Governments.

DONE at Mexico, Distrito Federal, on the Fourteenth day of February, one thousand nine hundred and sixty-seven.

ADDITIONAL PROTOCOL I

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

CONVINCED that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

AWARE that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

DESIRING to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards strengthening a world at peace, based on mutual respect and sovereign equality of States,

HAVE AGREED AS FOLLOWS:

Article 1

To undertake to apply the statute of denuclearization in respect of warlike purposes as defined in articles 1, 3, 5 and 13 of the Treaty for the Prohibition of Nuclear Weapons in Latin America in territories for which, de jure or de facto, they are internationally responsible and which lie within the limits of the geographical zone established in that Treaty.

Article 2

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol is an annex, and the provisions regarding ratification and denunciation contained in the Treaty shall be applicable to it.

Article 3

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, having deposited their full powers, found in good and due form, sign this Protocol on behalf of their respective Governments.

ADDITIONAL PROTOCOL II

The undersigned Plenipotentiaries, furnished with full powers by their respective Governments,

CONVINCED that the Treaty for the Prohibition of Nuclear Weapons in Latin America, negotiated and signed in accordance with the recommendations of the General Assembly of the United Nations in Resolution 1911 (XVIII) of 27 November 1963, represents an important step towards ensuring the non-proliferation of nuclear weapons,

AWARE that the non-proliferation of nuclear weapons is not an end in itself but, rather, a means of achieving general and complete disarmament at a later stage, and

DESIRING to contribute, so far as lies in their power, towards ending the armaments race, especially in the field of nuclear weapons, and towards promoting and strengthening a world at peace, based on mutual respect and sovereign equality of States,

HAVE AGREED AS FOLLOWS:

Article 1

The statute of denuclearization of Latin America in respect of warlike purposes, as defined, delimited and set forth in the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this instrument is an annex, shall be fully respected by the Parties to this Protocol in all its express aims and provisions.

Article 2

The Governments represented by the undersigned Plenipotentiaries undertake, therefore, not to contribute in any way to the performance of acts involving a violation of the obligations of article 1 of the Treaty in the territories to which the Treaty applies in accordance with article 4 thereof.

Article 3

The Governments represented by the undersigned Plenipotentiaries also undertake not to use or threaten to use nuclear weapons against the Contracting Parties of the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Article 4

The duration of this Protocol shall be the same as that of the Treaty for the Prohibition of Nuclear Weapons in Latin America of which this Protocol

is an annex, and the definitions of territory and nuclear weapons set forth in article 3 and 5 of the Treaty shall be applicable to this Protocol, as well as the provisions regarding ratification, reservations, denunciation, authentic texts and registration contained in articles 26, 27, 30 and 31 of the Treaty.

Article 5

This Protocol shall enter into force, for the States which have ratified it, on the date of the deposit of their respective instruments of ratification.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers, found to be in good and due form, hereby sign this Additional Protocol on behalf of their respective Governments.

TREATY¹ ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

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 co-operate 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 to 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 co-operation 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 co-operation 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,

¹ The Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Union of Soviet Socialist Republics, which are designated as the Depositary Governments in Article IX. 2 of the Treaty on the Non-Proliferation of Nuclear Weapons, informed the Agency that the Treaty had entered into force on 5 March 1970.

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 fulfilment 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 on 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 co-operation 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 co-operate 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 non-discriminatory 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 Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics and the United States of America, 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 1 January, 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.

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 taken by a majority of the Parties to the Treaty.

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 London, Moscow and Washington, the first day of July, one thousand nine hundred and sixty-eight.

THE STRUCTURE AND CONTENT OF AGREEMENTS
BETWEEN THE AGENCY AND STATES
REQUIRED IN CONNECTION WITH THE TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

PART I

BASIC UNDERTAKING

(1) The Agreement should contain, in accordance with Article III, 1 of the Treaty on the Non-Proliferation of Nuclear Weapons¹, an undertaking by the State to accept safeguards, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

APPLICATION OF SAFEGUARDS

(2) The Agreement should provide for the Agency's right and obligation to ensure that safeguards will be applied, in accordance with the terms of the Agreement, on all source or special fissionable material in all peaceful nuclear activities within the territory of the State, under its jurisdiction or carried out under its control anywhere, for the exclusive purpose of verifying that such material is not diverted to nuclear weapons or other nuclear explosive devices.

CO-OPERATION BETWEEN THE AGENCY AND THE STATE

(3) The Agreement should provide that the Agency and the State shall cooperate to facilitate the implementation of the safeguards provided for therein.

IMPLEMENTATION OF SAFEGUARDS

(4) The Agreement should provide that safeguards shall be implemented in a manner designed:

- (a) To avoid hampering the economic and technological development of the State or international co-operation in the field of peaceful nuclear activities, including international exchange of nuclear material²;
- (b) To avoid undue interference in the State's peaceful nuclear activities, and in particular in the operation of facilities; and
- (c) To be consistent with prudent management practices required for the economic and safe conduct of nuclear activities.

¹ Reproduced in document INFCIRC/140.

² Terms underlined have specialized meanings, which are defined in paragraphs 98-116 below.

(5) The Agreement should provide that the Agency shall take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement. The Agency shall not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of the Agreement, except that specific information relating to such implementation in the State may be given to the Board of Governors and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the Agreement. Summarized information on nuclear material being safeguarded by the Agency under the Agreement may be published upon decision of the Board if the States directly concerned agree.

(6) The Agreement should provide that in implementing safeguards pursuant thereto the Agency shall take full account of technological developments in the field of safeguards, and shall make every effort to ensure optimum cost-effectiveness and the application of the principle of safeguarding effectively the flow of nuclear material subject to safeguards under the Agreement by use of instruments and other techniques at certain strategic points to the extent that present or future technology permits. In order to ensure optimum cost-effectiveness, use should be made, for example, of such means as:

- (a) Containment as a means of defining material balance areas for accounting purposes;
- (b) Statistical techniques and random sampling in evaluating the flow of nuclear material; and
- (c) Concentration of verification procedures on those stages in the nuclear fuel cycle involving the production, processing, use or storage of nuclear material from which nuclear weapons or other nuclear explosive devices could readily be made, and minimization of verification procedures in respect of other nuclear material, on condition that this does not hamper the Agency in applying safeguards under the Agreement.

NATIONAL SYSTEM OF ACCOUNTING FOR AND CONTROL OF NUCLEAR MATERIAL

(7) The Agreement should provide that the State shall establish and maintain a system of accounting for and control of all nuclear material subject to safeguards under the Agreement, and that such safeguards shall be applied in such a manner as to enable the Agency to verify, in ascertaining that there has been no diversion of nuclear material from peaceful uses to nuclear weapons or other nuclear explosive devices, findings of the State's system. The Agency's verification shall include, inter alia, independent measurements and observations conducted by the Agency in accordance with the procedures specified in Part II below. The Agency, in its verification, shall take due account of the technical effectiveness of the State's system.

PROVISION OF INFORMATION TO THE AGENCY

(8) The Agreement should provide that to ensure the effective implementation of safeguards thereunder the Agency shall be provided, in accordance with the provisions set out in Part II below, with information concerning nuclear material subject to safeguards under the Agreement and the features of facilities relevant to safeguarding such material. The Agency shall require only the minimum amount of information and data consistent with carrying out its responsibilities under the Agreement. Information pertaining to facilities shall be the minimum necessary for safeguarding nuclear material subject to safeguards under the Agreement. In examining design information, the Agency shall, at the request of the State, be prepared to examine on premises of the State design information which the State regards as being of particular sensitivity. Such information would not have to be physically transmitted to the Agency provided that it remained available for ready further examination by the Agency on premises of the State.

AGENCY INSPECTORS

(9) The Agreement should provide that the State shall take the necessary steps to ensure that Agency inspectors can effectively discharge their functions under the Agreement. The Agency shall secure the consent of the State to the designation of Agency inspectors to that State. If the State, either upon proposal of a designation or at any other time after a designation has been made, objects to the designation, the Agency shall propose to the State an alternative designation or designations. The repeated refusal of a State to accept the designation of Agency inspectors which would impede the inspections conducted under the Agreement would be considered by the Board upon referral by the Director General with a view to appropriate action. The visits and activities of Agency inspectors shall be so arranged as to reduce to a minimum the possible inconvenience and disturbance to the State and to the peaceful nuclear activities inspected, as well as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

PRIVILEGES AND IMMUNITIES

(10) The Agreement should specify the privileges and immunities which shall be granted to the Agency and its staff in respect of their functions under the Agreement. In the case of a State Party to the Agreement on the Privileges and Immunities of the Agency³, the provisions thereof, as in force for such State, shall apply. In the case of other States, the privileges and immunities granted should be such as to ensure that:

- (a) The Agency and its staff will be in a position to discharge their functions under the Agreement effectively; and
- (b) No such State will be placed thereby in a more favourable position than States Party to the Agreement on the Privileges and Immunities of the Agency.

³ Reproduced in document INFCIRC/9/Rev. 2.

TERMINATION OF SAFEGUARDS

Consumption or dilution of nuclear material

(11) The Agreement should provide that safeguards shall terminate on nuclear material subject to safeguards thereunder upon determination by the Agency that it has been consumed, or has been diluted in such a way that it is no longer usable for any nuclear activity relevant from the point of view of safeguards, or has become practically irrecoverable.

Transfer of nuclear material out of the State

(12) The Agreement should provide, with respect to nuclear material subject to safeguards thereunder, for notification of transfers of such material out of the State, in accordance with the provisions set out in paragraphs 92-94 below. The Agency shall terminate safeguards under the Agreement on nuclear material when the recipient State has assumed responsibility therefor, as provided for in paragraph 91. The Agency shall maintain records indicating each transfer and, where applicable, the re-application of safeguards to the transferred nuclear material.

Provisions relating to nuclear material to be used in non-nuclear activities

(13) The Agreement should provide that if the State wishes to use nuclear material subject to safeguards thereunder in non-nuclear activities, such as the production of alloys or ceramics, it shall agree with the Agency on the circumstances under which the safeguards on such nuclear material may be terminated.

NON-APPLICATION OF SAFEGUARDS TO NUCLEAR MATERIAL TO BE USED IN NON-PEACEFUL ACTIVITIES

(14) The Agreement should provide that if the State intends to exercise its discretion to use nuclear material which is required to be safeguarded thereunder in a nuclear activity which does not require the application of safeguards under the Agreement, the following procedures will apply:

- (a) The State shall inform the Agency of the activity, making it clear:
 - (i) That the use of the nuclear material in a non-proscribed military activity will not be in conflict with an undertaking the State may have given and in respect of which Agency safeguards apply, that the nuclear material will be used only in a peaceful nuclear activity; and
 - (ii) That during the period of non-application of safeguards the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;
- (b) The Agency and the State shall make an arrangement so that, only while the nuclear material is in such an activity, the safeguards provided for in the Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any event, the safeguards provided for in the Agreement shall again apply as soon

as the nuclear material is reintroduced into a peaceful nuclear activity. The Agency shall be kept informed of the total quantity and composition of such unsafeguarded nuclear material in the State and of any exports of such material; and

- (c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible; it shall only relate to the temporal and procedural provisions, reporting arrangements, etc., but shall not involve any approval or classified knowledge of the military activity or relate to the use of the nuclear material therein.

FINANCE

- (15) The Agreement should contain one of the following sets of provisions:
 - (a) An agreement with a Member of the Agency should provide that each party thereto shall bear the expenses it incurs in implementing its responsibilities thereunder. However, if the State or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so. In any case the Agency shall bear the cost of any additional measuring or sampling which inspectors may request; or
 - (b) An agreement with a party not a Member of the Agency should, in application of the provisions of Article XIV. C of the Statute, provide that the party shall reimburse fully to the Agency the safeguards expenses the Agency incurs thereunder. However, if the party or persons under its jurisdiction incur extraordinary expenses as a result of a specific request by the Agency, the Agency shall reimburse such expenses provided that it has agreed in advance to do so.

THIRD PARTY LIABILITY FOR NUCLEAR DAMAGE

(16) The Agreement should provide that the State shall ensure that any protection against third party liability in respect of nuclear damage, including any insurance or other financial security, which may be available under its laws or regulations shall apply to the Agency and its officials for the purpose of the implementation of the Agreement, in the same way as that protection applies to nationals of the State.

INTERNATIONAL RESPONSIBILITY

(17) The Agreement should provide that any claim by one party thereto against the other in respect of any damage, other than damage arising out of a nuclear incident, resulting from the implementation of safeguards under the Agreement, shall be settled in accordance with international law.

MEASURES IN RELATION TO VERIFICATION OF NON-DIVERSION

(18) The Agreement should provide that if the Board, upon report of the Director General, decides that an action by the State is essential and urgent in order to ensure verification that nuclear material subject to safeguards under the Agreement is not diverted to nuclear weapons or other nuclear explosive devices the Board shall be able to call upon the State to take the required action without delay, irrespective of whether procedures for the settlement of a dispute have been invoked.

(19) The Agreement should provide that if the Board, upon examination of relevant information reported to it by the Director General finds that the Agency is not able to verify that there has been no diversion of nuclear material required to be safeguarded under the Agreement to nuclear weapons or other nuclear explosive devices, it may make the reports provided for in paragraph C of Article XII of the Statute and may also take, where applicable, the other measures provided for in that paragraph. In taking such action the Board shall take account of the degree of assurance provided by the safeguards measures that have been applied and shall afford the State every reasonable opportunity to furnish the Board with any necessary reassurance.

INTERPRETATION AND APPLICATION OF THE AGREEMENT AND SETTLEMENT OF DISPUTES

(20) The Agreement should provide that the parties thereto shall, at the request of either, consult about any question arising out of the interpretation or application thereof.

(21) The Agreement should provide that the State shall have the right to request that any question arising out of the interpretation or application thereof be considered by the Board; and that the State shall be invited by the Board to participate in the discussion of any such question by the Board.

(22) The Agreement should provide that any dispute arising out of the interpretation or application thereof except a dispute with regard to a finding by the Board under paragraph 19 above or an action taken by the Board pursuant to such a finding which is not settled by negotiation or another procedure agreed to by the parties should, on the request of either party, be submitted to an arbitral tribunal composed as follows: each party would designate one arbitrator, and the two arbitrators so designated would elect a third, who would be the Chairman. If, within 30 days of the request for arbitration, either party has not designated an arbitrator, either party to the dispute may request the President of the International Court of Justice to appoint an arbitrator. The same procedure would apply if, within 30 days of the designation or appointment of the second arbitrator, the third arbitrator had not been elected. A majority of the members of the arbitral tribunal would constitute a quorum, and all decisions would require the concurrence of two arbitrators. The arbitral procedure would be fixed by the tribunal. The decisions of the tribunal would be binding on both parties.

FINAL CLAUSES

Amendment of the Agreement

(23) The Agreement should provide that the parties thereto shall, at the request of either of them, consult each other on amendment of the Agreement. All amendments shall require the agreement of both parties. It might additionally be provided, if convenient to the State, that the agreement of the parties on amendments to Part II of the Agreement could be achieved by recourse to a simplified procedure. The Director General shall promptly inform all Member States of any amendment to the Agreement.

Suspension of application of Agency safeguards under other agreements

(24) Where applicable and where the State desires such a provision to appear, the Agreement should provide that the application of Agency safeguards in the State under other safeguards agreements with the Agency shall be suspended while the Agreement is in force. If the State has received assistance from the Agency for a project, the State's undertaking in the Project Agreement not to use items subject thereto in such a way as to further any military purpose shall continue to apply.

Entry into force and duration

(25) The Agreement should provide that it shall enter into force on the date on which the Agency receives from the State written notification that the statutory and constitutional requirements for entry into force have been met. The Director General shall promptly inform all Member States of the entry into force.

(26) The Agreement should provide for it to remain in force as long as the State is Party to the Treaty on the Non-Proliferation of Nuclear Weapons¹.

PART II

INTRODUCTION

(27) The Agreement should provide that the purpose of Part II thereof is to specify the procedures to be applied for the implementation of the safeguards provisions of Part I.

OBJECTIVE OF SAFEGUARDS

(28) The Agreement should provide that the objective of safeguards is the timely detection of diversion of significant quantities of nuclear material from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

(29) To this end the Agreement should provide for the use of material accountancy as a safeguards measure of fundamental importance, with containment and surveillance as important complementary measures.

(30) The Agreement should provide that the technical conclusion of the Agency's verification activities shall be a statement, in respect of each material balance area, of the amount of material unaccounted for over a specific period, giving the limits of accuracy of the amounts stated.

NATIONAL SYSTEM OF ACCOUNTING FOR AND CONTROL OF NUCLEAR MATERIAL

(31) The Agreement should provide that pursuant to paragraph 7 above the Agency, in carrying out its verification activities, shall make full use of the State's system of accounting for and control of all nuclear material subject to safeguards under the Agreement, and shall avoid unnecessary duplication of the State's accounting and control activities.

(32) The Agreement should provide that the State's system of accounting for and control of all nuclear material subject to safeguards under the Agreement shall be based on a structure of material balance areas, and shall make provision as appropriate and specified in the Subsidiary Arrangements for the establishment of such measures as:

- (a) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;
- (b) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;
- (c) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;
- (d) Procedures for taking a physical inventory;
- (e) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;
- (f) A system of records and reports showing, for each material balance area, the inventory of nuclear material and the changes in that inventory including receipts into and transfers out of the material balance area;
- (g) Provisions to ensure that the accounting procedures and arrangements are being operated correctly; and
- (h) Procedures for the provision of reports to the Agency in accordance with paragraphs 59-69 below.

STARTING POINT OF SAFEGUARDS

(33) The Agreement should provide that safeguards shall not apply thereunder to material in mining or ore processing activities.

(34) The Agreement should provide that:

- (a) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in sub-paragraph (c) below is directly or indirectly exported to a non-nuclear-weapon State, the State shall inform the Agency of its quantity, composition and destination, unless the material is exported for specifically non-nuclear purposes;
- (b) When any material containing uranium or thorium which has not reached the stage of the nuclear fuel cycle described in sub-paragraph (c) below is imported, the State shall inform the Agency of its quantity and composition, unless the material is imported for specifically non-nuclear purposes; and
- (c) When any nuclear material of a composition and purity suitable for fuel fabrication or for being isotopically enriched leaves the plant or the process stage in which it has been produced, or when such nuclear material, or any other nuclear material produced at a later stage in the nuclear fuel cycle, is imported into the State, the nuclear material shall become subject to the other safeguards procedures specified in the Agreement.

TERMINATION OF SAFEGUARDS

(35) The Agreement should provide that safeguards shall terminate on nuclear material subject to safeguards thereunder under the conditions set forth in paragraph 11 above. Where the conditions of that paragraph are not met, but the State considers that the recovery of safeguarded nuclear material from residues is not for the time being practicable or desirable, the Agency and the State shall consult on the appropriate safeguards measures to be applied. It should further be provided that safeguards shall terminate on nuclear material subject to safeguards under the Agreement under the conditions set forth in paragraph 13 above, provided that the State and the Agency agree that such nuclear material is practically irrecoverable.

EXEMPTIONS FROM SAFEGUARDS

(36) The Agreement should provide that the Agency shall, at the request of the State, exempt nuclear material from safeguards, as follows:

- (a) Special fissionable material, when it is used in gram quantities or less as a sensing component in instruments;
- (b) Nuclear material, when it is used in non-nuclear activities in accordance with paragraph 13 above, if such nuclear material is recoverable; and
- (c) Plutonium with an isotopic concentration of plutonium-238 exceeding 80%.

(37) The Agreement should provide that nuclear material that would otherwise be subject to safeguards shall be exempted from safeguards at the request of the State, provided that nuclear material so exempted in the State may not at any time exceed:

- (a) One kilogram in total of special fissionable material, which may consist of one or more of the following:
 - (i) Plutonium;
 - (ii) Uranium with an enrichment of 0.2 (20%) and above, taken account of by multiplying its weight by its enrichment; and
 - (iii) Uranium with an enrichment below 0.2 (20%) and above that of natural uranium, taken account of by multiplying its weight by five times the square of its enrichment;
 - (b) Ten metric tons in total of natural uranium and depleted uranium with an enrichment above 0.005 (0.5%);
 - (c) Twenty metric tons of depleted uranium with an enrichment of 0.005 (0.5%) or below; and
 - (d) Twenty metric tons of thorium;
- or such greater amounts as may be specified by the Board of Governors for uniform application.

(38) The Agreement should provide that if exempted nuclear material is to be processed or stored together with safeguarded nuclear material, provision should be made for the re-application of safeguards thereto.

SUBSIDIARY ARRANGEMENTS

(39) The Agreement should provide that the Agency and the State shall make Subsidiary Arrangements which shall specify in detail, to the extent necessary to permit the Agency to fulfil its responsibilities under the Agreement in an effective and efficient manner, how the procedures laid down in the Agreement are to be applied. Provision should be made for the possibility of an extension or change of the Subsidiary Arrangements by agreement between the Agency and the State without amendment of the Agreement.

(40) It should be provided that the Subsidiary Arrangements shall enter into force at the same time as, or as soon as possible after, the entry into force of the Agreement. The State and the Agency shall make every effort to achieve their entry into force within 90 days of the entry into force of the Agreement, a later date being acceptable only with the agreement of both parties. The State shall provide the Agency promptly with the information required for completing the Subsidiary Arrangements. The Agreement should also provide that, upon its entry into force, the Agency shall be entitled to apply the procedures laid down therein in respect of the nuclear material listed in the inventory provided for in paragraph 41 below.

INVENTORY

(41) The Agreement should provide that, on the basis of the initial report referred to in paragraph 62 below, the Agency shall establish a unified inventory of all nuclear material in the State subject to safeguards under the Agreement, irrespective of its origin, and maintain this inventory on the basis of subsequent reports and of the results of its verification activities. Copies of the inventory shall be made available to the State at agreed intervals.

DESIGN INFORMATION

General

(42) Pursuant to paragraph 8 above, the Agreement should stipulate that design information in respect of existing facilities shall be provided to the Agency during the discussion of the Subsidiary Arrangements, and that the time limits for the provision of such information in respect of new facilities shall be specified in the Subsidiary Arrangements. It should further be stipulated that such information shall be provided as early as possible before nuclear material is introduced into a new facility.

(43) The Agreement should specify that the design information in respect of each facility to be made available to the Agency shall include, when applicable:

- (a) The identification of the facility, stating its general character, purpose, nominal capacity and geographic location, and the name and address to be used for routine business purposes;
- (b) A description of the general arrangement of the facility with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;
- (c) A description of features of the facility relating to material accountancy, containment and surveillance; and
- (d) A description of the existing and proposed procedures at the facility for nuclear material accountancy and control, with special reference to material balance areas established by the operator, measurements of flow and procedures for physical inventory taking.

(44) The Agreement should further provide that other information relevant to the application of safeguards shall be made available to the Agency in respect of each facility, in particular on organizational responsibility for material accountancy and control. It should also be provided that the State shall make available to the Agency supplementary information on the health and safety procedures which the Agency shall observe and with which the inspectors shall comply at the facility.

(45) The Agreement should stipulate that design information in respect of a modification relevant for safeguards purposes shall be provided for examination sufficiently in advance for the safeguards procedures to be adjusted when necessary.

Purposes of examination of design information

(46) The Agreement should provide that the design information made available to the Agency shall be used for the following purposes:

- (a) To identify the features of facilities and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;
- (b) To determine material balance areas to be used for Agency accounting purposes and to select those strategic points which are key measurement points and which will be used to determine the nuclear material flows and inventories; in determining such material balance

areas the Agency shall, inter alia, use the following criteria:

- (i) The size of the material balance area should be related to the accuracy with which the material balance can be established;
 - (ii) In determining the material balance area advantage should be taken of any opportunity to use containment and surveillance to help ensure the completeness of flow measurements and thereby simplify the application of safeguards and concentrate measurement efforts at key measurement points;
 - (iii) A number of material balance areas in use at a facility or at distinct sites may be combined in one material balance area to be used for Agency accounting purposes when the Agency determines that this is consistent with its verification requirements; and
 - (iv) If the State so requests, a special material balance area around a process step involving commercially sensitive information may be established;
- (c) To establish the nominal timing and procedures for taking of physical inventory for Agency accounting purposes;
 - (d) To establish the records and reports requirements and records evaluation procedures;
 - (e) To establish requirements and procedures for verification of the quantity and location of nuclear material; and
 - (f) To select appropriate combinations of containment and surveillance methods and techniques and the strategic points at which they are to be applied.

It should further be provided that the results of the examination of the design information shall be included in the Subsidiary Arrangements.

Re-examination of design information

(47) The Agreement should provide that design information shall be re-examined in the light of changes in operating conditions, of developments in safeguards technology or of experience in the application of verification procedures, with a view to modifying the action the Agency has taken pursuant to paragraph 46 above.

Verification of design information

(48) The Agreement should provide that the Agency, in co-operation with the State, may send inspectors to facilities to verify the design information provided to the Agency pursuant to paragraphs 42-45 above for the purposes stated in paragraph 46.

INFORMATION IN RESPECT OF NUCLEAR MATERIAL OUTSIDE FACILITIES

(49) The Agreement should provide that the following information concerning nuclear material customarily used outside facilities shall be provided as applicable to the Agency:

- (a) A general description of the use of the nuclear material, its geographic location, and the user's name and address for routine business purposes; and

- (b) A general description of the existing and proposed procedures for nuclear material accountability and control, including organizational responsibility for material accountability and control.

The Agreement should further provide that the Agency shall be informed on a timely basis of any change in the information provided to it under this paragraph.

(50) The Agreement should provide that the information made available to the Agency in respect of nuclear material customarily used outside facilities may be used, to the extent relevant, for the purposes set out in sub-paragraphs 46(b) - (f) above.

RECORDS SYSTEM

General

(51) The Agreement should provide that in establishing a national system of accounting for and control of nuclear material as referred to in paragraph 7 above, the State shall arrange that records are kept in respect of each material balance area. Provision should also be made that the Subsidiary Arrangements shall describe the records to be kept in respect of each material balance area.

(52) The Agreement should provide that the State shall make arrangements to facilitate the examination of records by inspectors, particularly if the records are not kept in English, French, Russian or Spanish.

(53) The Agreement should provide that the records shall be retained for at least five years.

(54) The Agreement should provide that the records shall consist, as appropriate, of:

- (a) Accounting records of all nuclear material subject to safeguards under the Agreement; and
- (b) Operating records for facilities containing such nuclear material.

(55) The Agreement should provide that the system of measurements on which the records used for the preparation of reports are based shall either conform to the latest international standards or be equivalent in quality to such standards.

Accounting records

(56) The Agreement should provide that the accounting records shall set forth the following in respect of each material balance area:

- (a) All inventory changes, so as to permit a determination of the book inventory at any time;
- (b) All measurement results that are used for determination of the physical inventory; and
- (c) All adjustments and corrections that have been made in respect of inventory changes, book inventories and physical inventories.

(57) The Agreement should provide that for all inventory changes and physical inventories the records shall show, in respect of each batch of nuclear material: material identification, batch data and source data.

Provision should further be included that records shall account for uranium, thorium and plutonium separately in each batch of nuclear material. Furthermore, the date of the inventory change and, when appropriate, the originating material balance area and the receiving material balance area or the recipient, shall be indicated for each inventory change.

Operating records

(58) The Agreement should provide that the operating records shall set forth as appropriate in respect of each material balance area:

- (a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;
- (b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures to control the quality of measurements and the derived estimates of random and systematic error;
- (c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, in order to ensure that it is correct and complete; and
- (d) A description of the actions taken in order to ascertain the cause and magnitude of any accidental or unmeasured loss that might occur.

REPORTS SYSTEM

General

(59) The Agreement should specify that the State shall provide the Agency with reports as detailed in paragraphs 60-69 below in respect of nuclear material subject to safeguards thereunder.

(60) The Agreement should provide that reports shall be made in English, French, Russian or Spanish, except as otherwise specified in the Subsidiary Arrangements.

(61) The Agreement should provide that reports shall be based on the records kept in accordance with paragraphs 51-58 above and shall consist, as appropriate, of accounting reports and special reports.

Accounting reports

(62) The Agreement should stipulate that the Agency shall be provided with an initial report on all nuclear material which is to be subject to safeguards thereunder. It should also be provided that the initial report shall be dispatched by the State to the Agency within 30 days of the last day of the calendar month in which the Agreement enters into force, and shall reflect the situation as of the last day of that month.

(63) The Agreement should stipulate that for each material balance area the State shall provide the Agency with the following accounting reports:

- (a) Inventory change reports showing changes in the inventory of nuclear material. The reports shall be dispatched as soon as possible and in any event within 30 days after the end of the month in which the inventory changes occurred or were established; and

- (b) Material balance reports showing the material balance based on a physical inventory of nuclear material actually present in the material balance area. The reports shall be dispatched as soon as possible and in any event within 30 days after the physical inventory has been taken.

The reports shall be based on data available as of the date of reporting and may be corrected at a later date as required.

(64) The Agreement should provide that inventory change reports shall specify identification and batch data for each batch of nuclear material, the date of the inventory change and, as appropriate, the originating material balance area and the receiving material balance area or the recipient.

These reports shall be accompanied by concise notes:

- (a) Explaining the inventory changes, on the basis of the operating data contained in the operating records provided for under sub-paragraph 58(a) above; and
- (b) Describing, as specified in the Subsidiary Arrangements, the anticipated operational programme, particularly the taking of a physical inventory.

(65) The Agreement should provide that the State shall report each inventory change, adjustment and correction either periodically in a consolidated list or individually. The inventory changes shall be reported in terms of batches; small amounts, such as analytical samples, as specified in the Subsidiary Arrangements, may be combined and reported as one inventory change.

(66) The Agreement should stipulate that the Agency shall provide the State with semi-annual statements of book inventory of nuclear material subject to safeguards, for each material balance area, as based on the inventory change reports for the period covered by each such statement.

(67) The Agreement should specify that the material balance reports shall include the following entries, unless otherwise agreed by the Agency and the State:

- (a) Beginning physical inventory;
- (b) Inventory changes (first increases, then decreases);
- (c) Ending book inventory;
- (d) Shipper/receiver differences;
- (e) Adjusted ending book inventory;
- (f) Ending physical inventory; and
- (g) Material unaccounted for.

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

Special reports

(68) The Agreement should provide that the State shall make special reports without delay:

- (a) If any unusual incident or circumstances lead the State to believe that there is or may have been loss of nuclear material that exceeds the limits to be specified for this purpose in the Subsidiary Arrangements; or

- (b) If the containment has unexpectedly changed from that specified in the Subsidiary Arrangements to the extent that unauthorized removal of nuclear material has become possible.

Amplification and clarification of reports

(69) The Agreement should provide that at the Agency's request the State shall supply amplifications or clarifications of any report, in so far as relevant for the purpose of safeguards.

INSPECTIONS

General

(70) The Agreement should stipulate that the Agency shall have the right to make inspections as provided for in paragraphs 71-82 below.

Purposes of inspections

(71) The Agreement should provide that the Agency may make ad hoc inspections in order to:

- (a) Verify the information contained in the initial report on the nuclear material subject to safeguards under the Agreement;
- (b) Identify and verify changes in the situation which have occurred since the date of the initial report; and
- (c) Identify, and if possible verify the quantity and composition of, nuclear material in accordance with paragraphs 93 and 96 below, before its transfer out of or upon its transfer into the State.

(72) The Agreement should provide that the Agency may make routine inspections in order to:

- (a) Verify that reports are consistent with records;
- (b) Verify the location, identity, quantity and composition of all nuclear material subject to safeguards under the Agreements; and
- (c) Verify information on the possible causes of material unaccounted for, shipper/receiver differences and uncertainties in the book inventory.

(73) The Agreement should provide that the Agency may make special inspections subject to the procedures laid down in paragraph 77 below:

- (a) In order to verify the information contained in special reports; or
- (b) If the Agency considers that information made available by the State, including explanations from the State and information obtained from routine inspections, is not adequate for the Agency to fulfil its responsibilities under the Agreement.

An inspection shall be deemed to be special when it is either additional to the routine inspection effort provided for in paragraphs 78-82 below, or involves access to information or locations in addition to the access specified in paragraph 76 for ad hoc and routine inspections, or both.

Scope of inspections

(74) The Agreement should provide that for the purposes stated in paragraphs 71-73 above the Agency may:

- (a) Examine the records kept pursuant to paragraphs 51-58;
- (b) Make independent measurements of all nuclear material subject to safeguards under the Agreement;
- (c) Verify the functioning and calibration of instruments and other measuring and control equipment;
- (d) Apply and make use of surveillance and containment measures; and
- (e) Use other objective methods which have been demonstrated to be technically feasible.

(75) It should further be provided that within the scope of paragraph 74 above the Agency shall be enabled:

- (a) To observe that samples at key measurement points for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples and to obtain duplicates of such samples;
- (b) To observe that the measurements of nuclear material at key measurement point for material balance accounting are representative, and to observe the calibration of the instruments and equipment involved;
- (c) To make arrangements with the State that, if necessary:
 - (i) Additional measurements are made and additional samples taken for the Agency's use;
 - (ii) The Agency's standard analytical samples are analysed;
 - (iii) Appropriate absolute standards are used in calibrating instruments and other equipment; and
 - (iv) Other calibrations are carried out;
- (d) To arrange to use its own equipment for independent measurement and surveillance, and if so agreed and specified in the Subsidiary Arrangements, to arrange to install such equipment;
- (e) To apply its seals and other identifying and tamper-indicating devices to containments, if so agreed and specified in the Subsidiary Arrangements; and
- (f) To make arrangements with the State for the shipping of samples taken for the Agency's use.

Access for inspections

(76) The Agreement should provide that:

- (a) For the purposes specified in sub-paragraphs 71(a) and (b) above and until such time as the strategic points have been specified in the Subsidiary Arrangements, the Agency's inspectors shall have access to any location where the initial report or any inspections carried out in connection with it indicate that nuclear material is present;
- (b) For the purposes specified in sub-paragraph 71(c) above the inspectors shall have access to any location of which the Agency has been notified in accordance with sub-paragraphs 92(c) or 95(c) below;

- (c) For the purposes specified in paragraph 72 above the Agency's inspectors shall have access only to the strategic points specified in the Subsidiary Arrangements and to the records maintained pursuant to paragraphs 51-58; and
- (d) In the event of the State concluding that any unusual circumstances require extended limitations on access by the Agency, the State and the Agency shall promptly make arrangements with a view to enabling the Agency to discharge its safeguards responsibilities in the light of these limitations. The Director General shall report each such arrangement to the Board.

(77) The Agreement should provide that in circumstances which may lead to special inspections for the purposes specified in paragraph 73 above the State and the Agency shall consult forthwith. As a result of such consultations the Agency may make inspections in addition to the routine inspection effort provided for in paragraphs 78-82 below, and may obtain access in agreement with the State to information or locations in addition to the access specified in paragraph 76 above for ad hoc and routine inspections. Any disagreement concerning the need for additional access shall be resolved in accordance with paragraphs 21 and 22; in case action by the State is essential and urgent, paragraph 18 above shall apply.

Frequency and intensity of routine inspections

(78) The Agreement should provide that the number, intensity, duration and timing of routine inspections shall be kept to the minimum consistent with the effective implementation of the safeguards procedures set forth therein, and that the Agency shall make the optimum and most economical use of available inspection resources.

(79) The Agreement should provide that in the case of facilities and material balance areas outside facilities with a content or annual throughput, whichever is greater, of nuclear material not exceeding five effective kilograms, routine inspections shall not exceed one per year. For other facilities the number, intensity, duration, timing and mode of inspections shall be determined on the basis that in the maximum or limiting case the inspection régime shall be no more intensive than is necessary and sufficient to maintain continuity of knowledge of the flow and inventory of nuclear material.

(80) The Agreement should provide that the maximum routine inspection effort in respect of facilities with a content or annual throughput of nuclear material exceeding five effective kilograms shall be determined as follows:

- (a) For reactors and sealed stores, the maximum total of routine inspection per year shall be determined by allowing one sixth of a man-year of inspection for each such facility in the State;
- (b) For other facilities involving plutonium or uranium enriched to more than 5%, the maximum total of routine inspection per year shall be determined by allowing for each such facility $30 \times \sqrt{E}$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms. The maximum established for any such facility shall not, however, be less than 1.5 man-years of inspection; and
- (c) For all other facilities, the maximum total of routine inspection per year shall be determined by allowing for each such facility one third

of a man-year of inspection plus $0.4 \times E$ man-days of inspection per year, where E is the inventory or annual throughput of nuclear material, whichever is greater, expressed in effective kilograms.

The Agreement should further provide that the Agency and the State may agree to amend the maximum figures specified in this paragraph upon determination by the Board that such amendment is reasonable.

(81) Subject to paragraphs 78-80 above the criteria to be used for determining the actual number, intensity, duration, timing and mode of routine inspections of any facility shall include:

- (a) The form of nuclear material, in particular, whether the material is in bulk form or contained in a number of separate items; its chemical composition and, in the case of uranium, whether it is of low or high enrichment; and its accessibility;
- (b) The effectiveness of the State's accounting and control system, including the extent to which the operators of facilities are functionally independent of the State's accounting and control system; the extent to which the measures specified in paragraph 32 above have been implemented by the State; the promptness of reports submitted to the Agency; their consistency with the Agency's independent verification; and the amount and accuracy of the material unaccounted for, as verified by the Agency;
- (c) Characteristics of the State's nuclear fuel cycle, in particular, the number and types of facilities containing nuclear material subject to safeguards, the characteristics of such facilities relevant to safeguards, notably the degree of containment; the extent to which the design of such facilities facilitates verification of the flow and inventory of nuclear material; and the extent to which information from different material balance areas can be correlated;
- (d) International interdependence, in particular the extent to which nuclear material is received from or sent to other States for use or processing; any verification activity by the Agency in connection therewith; and the extent to which the State's nuclear activities are interrelated with those of other States; and
- (e) Technical developments in the field of safeguards, including the use of statistical techniques and random sampling in evaluating the flow of nuclear material.

(82) The Agreement should provide for consultation between the Agency and the State if the latter considers that the inspection effort is being deployed with undue concentration on particular facilities.

Notice of inspections

(83) The Agreement should provide that the Agency shall give advance notice to the State before arrival of inspectors at facilities or material balance areas outside facilities, as follows:

- (a) For ad hoc inspections pursuant to sub-paragraph 71(c) above, at least 24 hours, for those pursuant to sub-paragraphs 71(a) and (b), as well as the activities provided for in paragraph 48, at least one week;

- (b) For special inspections pursuant to paragraph 73 above, as promptly as possible after the Agency and the State have consulted as provided for in paragraph 77, it being understood that notification of arrival normally will constitute part of the consultations; and
- (c) For routine inspections pursuant to paragraph 72 above, at least 24 hours in respect of the facilities referred to in sub-paragraph 80(b) and sealed stores containing plutonium or uranium enriched to more than 5%, and one week in all other cases.

Such notice of inspections shall include the names of the inspectors and shall indicate the facilities and the material balance areas outside facilities to be visited and the periods during which they will be visited. If the inspectors are to arrive from outside the State the Agency shall also give advance notice of the place and time of their arrival in the State.

(84) However, the Agreement should also provide that, as a supplementary measure, the Agency may carry out without advance notification a portion of the routine inspections pursuant to paragraph 80 above in accordance with the principle of random sampling. In performing any unannounced inspections, the Agency shall fully take into account any operational programme provided by the State pursuant to paragraph 64(b). Moreover, whenever practicable, and on the basis of the operational programme, it shall advise the State periodically of its general programme of announced and unannounced inspections, specifying the general periods when inspections are foreseen. In carrying out any unannounced inspections, the Agency shall make every effort to minimize any practical difficulties for facility operators and the State, bearing in mind the relevant provisions of paragraphs 44 above and 89 below. Similarly the State shall make every effort to facilitate the task of the inspectors.

Designation of inspectors

- (85) The Agreement should provide that:
 - (a) The Director General shall inform the State in writing of the name, qualifications, nationality, grade and such other particulars as may be relevant, of each Agency official he proposes for designation as an inspector for the State;
 - (b) The State shall inform the Director General within 30 days of the receipt of such a proposal whether it accepts the proposal;
 - (c) The Director General may designate each official who has been accepted by the State as one of the inspectors for the State, and shall inform the State of such designations; and
 - (d) The Director General, acting in response to a request by the State or on his own initiative, shall immediately inform the State of the withdrawal of the designation of any official as an inspector for the State.

The Agreement should also provide, however, that in respect of inspectors needed for the purposes stated in paragraph 48 above and to carry out ad hoc inspections pursuant to sub-paragraphs 71(a) and (b) the designation procedures shall be completed if possible within 30 days after the entry into force of the Agreement. If such designation appears impossible within this time limit, inspectors for such purposes shall be designated on a temporary basis.

(86) The Agreement should provide that the State shall grant or renew as quickly as possible appropriate visas, where required, for each inspector designated for the State.

Conduct and visits of inspectors

(87) The Agreement should provide that inspectors, in exercising their functions under paragraphs 48 and 71-75 above, shall carry out their activities in a manner designed to avoid hampering or delaying the construction, commissioning or operation of facilities, or affecting their safety. In particular inspectors shall not operate any facility themselves or direct the staff of a facility to carry out any operation. If inspectors consider that in pursuance of paragraphs 74 and 75, particular operations in a facility should be carried out by the operator, they shall make a request therefor.

(88) When inspectors require services available in the State, including the use of equipment, in connection with the performance of inspections, the State shall facilitate the procurement of such services and the use of such equipment by inspectors.

(89) The Agreement should provide that the State shall have the right to have inspectors accompanied during their inspections by representatives of the State, provided that inspectors shall not thereby be delayed or otherwise impeded in the exercise of their functions.

STATEMENTS ON THE AGENCY'S VERIFICATION ACTIVITIES

(90) The Agreement should provide that the Agency shall inform the State of:

- (a) The results of inspections, at intervals to be specified in the Subsidiary Arrangements; and
- (b) The conclusions it has drawn from its verification activities in the State, in particular by means of statements in respect of each material balance area, which shall be made as soon as possible after a physical inventory has been taken and verified by the Agency and a material balance has been struck.

INTERNATIONAL TRANSFERS

General

(91) The Agreement should provide that nuclear material subject or required to be subject to safeguards thereunder which is transferred internationally shall, for purposes of the Agreement, be regarded as being the responsibility of the State:

- (a) In the case of import, from the time that such responsibility ceases to lie with the exporting State, and no later than the time at which the nuclear material reaches its destination; and
- (b) In the case of export, up to the time at which the recipient State assumes such responsibility, and no later than the time at which the nuclear material reaches its destination.

The Agreement should provide that the States concerned shall make suitable arrangements to determine the point at which the transfer of responsibility will take place. No State shall be deemed to have such responsibility for nuclear material merely by reason of the fact that the nuclear material is in transit on or over its territory or territorial waters, or that it is being transported under its flag or in its aircraft.

Transfers out of the State

(92) The Agreement should provide that any intended transfer out of the State of safeguarded nuclear material in an amount exceeding one effective kilogram, or by successive shipments to the same State within a period of three months each of less than one effective kilogram but exceeding in total one effective kilogram, shall be notified to the Agency after the conclusion of the contractual arrangements leading to the transfer and normally at least two weeks before the nuclear material is to be prepared for shipping. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the nuclear material to be transferred, and the material balance area from which it will come;
- (b) The State for which the nuclear material is destined;
- (c) The dates on and locations at which the nuclear material is to be prepared for shipping;
- (d) The approximate dates of dispatch and arrival of the nuclear material; and
- (e) At what point of the transfer the recipient State will assume responsibility for the nuclear material, and the probable date on which this point will be reached.

(93) The Agreement should further provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, nuclear material subject to safeguards under the Agreement before it is transferred out of the State and, if the Agency so wishes or the State so requests, to affix seals to the nuclear material when it has been prepared for shipping. However, the transfer of the nuclear material shall not be delayed in any way by any action taken or contemplated by the Agency pursuant to this notification.

(94) The Agreement should provide that, if the nuclear material will not be subject to Agency safeguards in the recipient State, the exporting State shall make arrangements for the Agency to receive, within three months of the time when the recipient State accepts responsibility for the nuclear material from the exporting State, confirmation by the recipient State of the transfer.

Transfers into the State

(95) The Agreement should provide that the expected transfer into the State of nuclear material required to be subject to safeguards in an amount greater than one effective kilogram, or by successive shipments from the same State within a period of three months each of less than one effective kilogram but exceeding in total one effective kilogram, shall be notified to

the Agency as much in advance as possible of the expected arrival of the nuclear material, and in any case not later than the date on which the recipient State assumes responsibility therefor. The Agency and the State may agree on different procedures for advance notification. The notification shall specify:

- (a) The identification and, if possible, the expected quantity and composition of the nuclear material;
- (b) At what point of the transfer responsibility for the nuclear material will be assumed by the State for the purposes of the Agreement, and the probable date on which this point will be reached; and
- (c) The expected date of arrival, the location to which the nuclear material is to be delivered and the date on which it is intended that the nuclear material should be unpacked.

(96) The Agreement should provide that the purpose of this notification shall be to enable the Agency if necessary to identify, and if possible verify the quantity and composition of, nuclear material subject to safeguards which has been transferred into the State, by means of inspection of the consignment at the time it is unpacked. However, unpacking shall not be delayed by any action taken or contemplated by the Agency pursuant to this notification.

Special reports

(97) The Agreement should provide that in the case of international transfers a special report as envisaged in paragraph 68 above shall be made if any unusual incident or circumstances lead the State to believe that there is or may have been loss of nuclear material, including the occurrence of significant delay during the transfer.

DEFINITIONS

(98) "Adjustment" means an entry into an accounting record or a report showing a shipper/receiver difference or material unaccounted for.

(99) "Annual throughput" means, for the purposes of paragraphs 79 and 80 above, the amount of nuclear material transferred annually out of a facility working at nominal capacity.

(100) "Batch" means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composition and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.

(101) "Batch data" means the total weight of each element of nuclear material and, in the case of plutonium and uranium, the isotopic composition when appropriate. The units of account shall be as follows:

- (a) Grams of contained plutonium;
- (b) Grams of total uranium and grams of contained uranium-235 plus uranium-233 for uranium enriched in these isotopes; and
- (c) Kilograms of contained thorium, natural uranium or depleted uranium.

For reporting purposes the weights of individual items in the batch shall be added together before rounding to the nearest unit.

(102) "Book inventory" of a material balance area means the algebraic sum of the most recent physical inventory of that material balance area and

of all inventory changes that have occurred since that physical inventory was taken.

(103) "Correction" means an entry into an accounting record or a report to rectify an identified mistake or to reflect an improved measurement of a quantity previously entered into the record or report. Each correction must identify the entry to which it pertains.

(104) "Effective kilogram" means a special unit used in safeguarding nuclear material. The quantity in "effective kilograms" is obtained by taking:

- (a) For plutonium, its weight in kilograms;
- (b) For uranium with an enrichment of 0.01 (1%) and above, its weight in kilograms multiplied by the square of its enrichment;
- (c) For uranium with an enrichment below 0.01 (1%) and above 0.005 (0.5%), its weight in kilograms multiplied by 0.0001; and
- (d) For depleted uranium with an enrichment of 0.005 (0.5%) or below, and for thorium, its weight in kilograms multiplied by 0.00005.

(105) "Enrichment" means the ratio of the combined weight of the isotopes uranium-233 and uranium-235 to that of the total uranium in question.

(106) "Facility" means:

- (a) A reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
- (b) Any location where nuclear material in amounts greater than one effective kilogram is customarily used.

(107) "Inventory change" means an increase or decrease, in terms of batches, of nuclear material in a material balance area; such a change shall involve one of the following:

(a) Increases:

- (i) Import;
- (ii) Domestic receipt: receipts from other material balance areas, receipts from a non-safeguarded (non-peaceful) activity or receipts at the starting point of safeguards;
- (iii) Nuclear production: production of special fissionable material in a reactor; and
- (iv) De-exemption: reapplication of safeguards on nuclear material previously exempted therefrom on account of its use or quantity.

(b) Decreases:

- (i) Export;
- (ii) Domestic shipment: shipments to other material balance areas or shipments for a non-safeguarded (non-peaceful) activity;
- (iii) Nuclear loss: loss of nuclear material due to its transformation into other element(s) or isotope(s) as a result of nuclear reactions;
- (iv) Measured discard: nuclear material which has been measured, or estimated on the basis of measurements, and disposed of in such a way that it is not suitable for further nuclear use;
- (v) Retained waste: nuclear material generated from processing or from an operational accident, which is deemed to be unrecoverable for the time being but which is stored;
- (vi) Exemption: exemption of nuclear material from safeguards on account of its use or quantity; and

(vii) Other loss: for example, accidental loss (that is, irretrievable and inadvertent loss of nuclear material as the result of an operational accident) or theft.

(108) "Key measurement point" means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. "Key measurement points" thus include, but are not limited to, the inputs and outputs (including measured discards) and storages in material balance areas.

(109) "Man-year of inspection" means, for the purposes of paragraph 80 above, 300 man-days of inspection, a man-day being a day during which a single inspector has access to a facility at any time for a total of not more than eight hours.

(110) "Material balance area" means an area in or outside of a facility such that:

- (a) The quantity of nuclear material in each transfer into or out of each "material balance area" can be determined; and
- (b) The physical inventory of nuclear material in each "material balance area" can be determined when necessary, in accordance with specified procedures,

in order that the material balance for Agency safeguards purposes can be established.

(111) "Material unaccounted for" means the difference between book inventory and physical inventory.

(112) "Nuclear material" means any source or any special fissionable material as defined in Article XX of the Statute. The term source material shall not be interpreted as applying to ore or ore residue. Any determination by the Board under Article XX of the Statute after the entry into force of this Agreement which adds to the materials considered to be source material or special fissionable material shall have effect under this Agreement only upon acceptance by the State.

(113) "Physical inventory" means the sum of all the measured or derived estimates of batch quantities of nuclear material on hand at a given time within a material balance area, obtained in accordance with specified procedures.

(114) "Shipper/receiver difference" means the difference between the quantity of nuclear material in a batch as stated by the shipping material balance area and as measured at the receiving material balance area.

(115) "Source data" means those data, recorded during measurement or calibration or used to derive empirical relationships, which identify nuclear material and provide batch data. "Source data" may include, for example, weight of compounds, conversion factors to determine weight of element, specific gravity, element concentration, isotopic ratios, relationship between volume and manometer readings and relationship between plutonium produced and power generated.

(116) "Strategic point" means a location selected during examination of design information where, under normal conditions and when combined with the information from all "strategic points" taken together, the information necessary and sufficient for the implementation of safeguards measures is obtained and verified; a "strategic point" may include any location where key measurements related to material balance accountancy are made and where containment and surveillance measures are executed.

GUIDELINES FOR
THE INTERNATIONAL OBSERVATION BY THE AGENCY
OF NUCLEAR EXPLOSIONS
FOR PEACEFUL PURPOSES
UNDER THE PROVISIONS OF THE TREATY
ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS
OR ANALOGOUS PROVISIONS
IN OTHER INTERNATIONAL AGREEMENTS

A. GENERAL GUIDELINES AND OBJECTIVES

Purpose of observation

(1) The basic purpose of international observation, hereinafter called "observation", is to verify that, in the course of conducting a peaceful nuclear explosion project in a non-nuclear-weapon State or States, the intent and letter of Articles I and II of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) or of analogous provisions in other international agreements are not violated.

Circumstances requiring observation

(2) Observation is required where peaceful nuclear explosion services are carried out either:

- (a) Through the Agency; or
- (b) Pursuant to bilateral agreements, in accordance with Article V of NPT or with provisions in other international agreements, calling for such observation.

Observation agreement

(3) Observation shall be undertaken pursuant to a specific agreement for observation, hereinafter called the "observation agreement" to be concluded in accordance with applicable provisions of this document between the Agency and the State or States concerned. The observation agreement shall be concluded, except for emergency situations in accordance with paragraph 19 of this document, not less than 60 days before the transport of the nuclear explosive device or devices (or any components thereof) from the territory of the nuclear-weapon State concerned.

The Agency's obligations

- (4) The Agency shall:
 - (a) Arrange to provide the minimum number of observers necessary to maintain surveillance, in accordance with the observation agreement over those areas or situations where Articles I and II of NPT, or analogous provisions in other international agreements, might be contravened;

- (b) Request only that information and carry out only those activities needed to perform its observation functions for the purpose specified in paragraph 1 of this document;
- (c) Carry out its observation functions in a manner designed to avoid hindering the conduct of the peaceful nuclear explosion operations, to avoid disclosing any confidential or privileged information it might receive and to give due recognition to the provisions of NPT or other relevant international agreements and existing domestic law of the Governments concerned;
- (d) Inform all Member States, and those non-member States parties to agreements with the Agency, of any situations or incidents which contravene, or have the appearance of contravening, either the intent or the letter of Articles I or II of NPT or of analogous provisions in other international agreements, or the obligations of the parties under the observation agreement; and
- (e) Request appropriate action of participating States, including, if approved by the Board of Governors, withdrawal of the nuclear explosive device or devices from the territory of the non-nuclear-weapon State or States, if the situation or incident referred to in the preceding sub-paragraph has not been corrected to the satisfaction of the Director General within a reasonable period of time.

Other parties' obligations

- (5) It is the responsibility of the supplier nuclear-weapon State and non-nuclear-weapon State or States which, in addition to the Agency, are parties to the observation agreement to:
 - (a) Plan and conduct peaceful nuclear explosion projects in such a manner as to protect against the direct or indirect disclosure of nuclear explosive design information, including, but not limited to, oral disclosure of such information;
 - (b) Provide the opportunity for observation in accordance with the observation agreement; and
 - (c) Co-operate with the Agency in order to enable the Agency observers to perform their functions in accordance with the observation agreement.
- (6) The supplier nuclear-weapon State shall take appropriate steps to ensure that persons other than its authorized nationals acting on its behalf do not have access to the design information contained in any documents or materials designated in accordance with paragraph 9(e) of this document.
- (7) Where the opportunity for observation is provided in accordance with the observation agreement, the peaceful nuclear explosion project need not be delayed if, through no fault of the nuclear-weapon State or non-nuclear-weapon State or States party to the observation agreement, the observation function is not performed.

B. PURPOSE AND SCOPE OF OBSERVATION AGREEMENT

- (8) The observation agreement in general will set forth the observations necessary to provide the following assurances against violation of Articles I and II of NPT or of analogous provisions in other international agreements:

- (a) That the nuclear explosive device or devices to be used in furnishing peaceful nuclear explosion services to a non-nuclear-weapon State or States, and any documents or materials designated in accordance with paragraph 9(e) of this document, remain at all times under the custody and control of the supplier nuclear-weapon State;
 - (b) That there is no opportunity for persons other than authorized nationals of the supplier nuclear-weapon State acting on its behalf to obtain design information pertaining to the nuclear explosive device or devices by physical or instrumental or visual access to the interior of any canister holding the nuclear explosive device or devices or to any documents or materials designated in accordance with paragraph 9(e) of this document, or to obtain such information by any other means;
 - (c) That no attempt is made to obtain any radioactive materials designated by the nuclear-weapon State in accordance with paragraph 9(f) of this document; and
 - (d) That the nuclear explosion or explosions are carried out in accordance with the declared purpose.
- (9) Observation agreements, in general, shall include, but not be limited to, the following:
- (a) Appropriate parts of NPT or other relevant international agreements and of this document, either directly or by reference;
 - (b) An undertaking by the parties to the observation agreement to conduct themselves in accordance with the guidelines and objectives set forth in this document;
 - (c) A description of the proposed project including, in general, the declared purpose of the project, the planned involvement of each party in the project, the technology involved, the number of nuclear explosive device canisters involved, with the approximate explosive yield of each fully assembled canister, and the planned schedule for detonation;
 - (d) Information necessary for a detailed description of the required observations, as follows:
 - (i) A description of the general characteristics and external dimensions of the shipping container and the fully assembled nuclear explosive device canister or canisters to be used in carrying out the peaceful nuclear explosion project;
 - (ii) A description of how the nuclear explosive device canister or canisters are to be emplaced, at what depth, and how each emplacement hole is to be filled;
 - (iii) A description of the predicted on-site physical effects such as surface ground motion, chimney or excavation dimensions, and of how these effects relate to carrying out the declared purpose of the peaceful nuclear explosion project;
 - (e) A specific declaration by the supplier nuclear-weapon State indicating which of the documents and materials that will be transported by it to the non-nuclear-weapon State or States in connection with the peaceful nuclear explosion project contain design information related to a nuclear explosive device, and, therefore, require observation. The declaration should also include a description of

the conditions under which observation of such documents and materials is no longer required;

- (f) A specific declaration by the supplier nuclear-weapon State indicating which radioactive materials, if any, resulting from a peaceful nuclear explosion or explosions within a non-nuclear-weapon State or States and remaining after the detonation require observation for a specified period of time, if the nuclear-weapon State considers that any such materials are capable of assisting any non-nuclear-weapon State or States in obtaining significant nuclear explosive design information; and
 - (g) A description of the detailed plans, agreed to among the parties, which are required for observation. Such plans may be incorporated in the observation agreement as annexes, and may be altered or extended by agreement among the parties without formal amendment of the observation agreement itself.
- (10) The detailed plans required for observation shall include:
- (a) A schedule for the transportation of the nuclear explosive device or devices (and any components thereof) in sufficient detail for the observers to perform their assigned functions, including, but not limited to, methods of transportation, time of departure and arrival, and plans for protective action by the parties;
 - (b) A detailed description of the observation required including contingency plans in the event of unplanned (but reasonably possible) circumstances, names of observers and other responsible representatives of parties to the observation agreement, and a more general description of any equipment to be used in maintaining technical surveillance and how this equipment is to be used; and
 - (c) A description of the equipment, if any, to be used by the observers to determine that the nuclear explosive device or devices have been detonated and that the explosion was carried out in accordance with the declared purpose of the project. A description of the use of such equipment should also be included.

C. CHARACTER OF OBSERVATION

(11) Observation shall begin when the nuclear explosive device or devices (or any components thereof), including any documents and materials declared by the supplier nuclear-weapon State to contain design information, leave either the territory or the means of transport which is under the jurisdiction and control of the supplier nuclear-weapon State, whichever occurs later. At the request of the supplier nuclear-weapon State, observation may begin prior to the transport of the nuclear explosive device or devices from its territory for the purpose of affixing security seals on tamper-proof containers used for transporting the nuclear explosive device or devices or otherwise to facilitate the observation function.

(12) Once observation has been initiated with respect to the nuclear explosive device or devices and any documents or materials designated in accordance with paragraphs 9(e) and 9(f) of this document, surveillance shall be continued on a 24-hour per day basis until either:

- (a) The nuclear explosive device or devices are detonated and any such documents or materials no longer require surveillance in accordance with the observation agreement; or
- (b) The nuclear explosive device or devices and any such documents or materials are removed from the territory of the non-nuclear-weapon State or States by the supplier nuclear-weapon State.

(13) In maintaining surveillance in accordance with the preceding paragraph, continuous visual observation is desirable but other means of surveillance are acceptable if they are considered adequate by the parties to the observation agreement and are regarded by them at least as effective as continuous visual observation. These other means of surveillance may include:

- (a) Technical means of surveillance, such as tamper-proof containers and security seals for the transport of the nuclear explosive device or devices and of the documents or materials designated in accordance with paragraph 9(e) of this document;
- (b) During and after transportation of the nuclear explosive device or devices (or any component thereof), or of the documents or materials referred to in the preceding sub-paragraph, exterior observation of any facility in which work is being done on the explosive device or devices or on or with the said documents or materials, to verify that only authorized representatives of the supplier nuclear-weapon State have access to the interior of any canister holding a nuclear explosive device or to the said documents or materials;
- (c) After emplacement of the nuclear explosive device or devices underground at the project site, observation of the surface of the emplacement area; and
- (d) Appropriate inspection to determine whether or not there has been any attempt to obtain any radioactive materials designated by the supplier nuclear-weapon State in accordance with paragraph 9(f) of this document.

(14) At the time of the detonation and immediately thereafter, as described in the observation agreement, the Agency observers shall employ such methods as may be adequate to ascertain that the nuclear explosive device or devices have been detonated. For a completely contained underground explosion this requirement might be satisfied by ground motion instrumentation to determine approximate explosive yield.

(15) During the operations at the nuclear explosion site, Agency observers will determine whether or not the explosion has taken place in accordance with the declared purpose. Such observations need not be on a continuous basis unless specifically required by the observation agreement.

D. REPORTING

(16) Agency observers individually or collectively shall promptly report to the Director General and to the responsible project representative of the supplier nuclear-weapon State concerned any observed circumstances which appear to indicate that the requirements set forth in paragraph 8 of this document are not satisfied.

(17) An interim report shall be prepared by Agency observers and submitted to the Director General not later than 90 days following each nuclear detonation. Apart from providing a summary of observation activities for the period up to the time of its preparation, such interim report shall specify the further actions planned to meet the obligations of the observation agreement. Interim reports shall be submitted irrespective of whether any report has been made to the Director General under the preceding paragraph. The Director General shall circulate copies of all interim reports to the Board of Governors.

(18) When observation of a peaceful nuclear explosion project has been concluded to the satisfaction of the Director General, he shall issue a Record of Observation to the supplier nuclear-weapon State and to the non-nuclear-weapon State or States in which the project was conducted. Those States shall have 30 days thereafter to transmit a report along with the Director General's Record of Observation to the Board of Governors. The Board of Governors, in turn, shall submit a report on the matter to all Member States and to non-member States parties to agreements with the Agency.

E. EMERGENCY PROJECTS

(19) In emergency situations, such as oil or gas well fires, where the prompt use of a peaceful nuclear explosion or explosions would alleviate the situation, special measures may be taken consistent with the guidelines embodied in this document. In no case, however, will such measures be implemented in the absence of specific approval by the Board of Governors.

F. DESIGNATION OF AGENCY OBSERVERS

(20) When it is proposed to designate an Agency observer for a peaceful nuclear explosion project, the Director General shall inform in writing the supplier nuclear-weapon State and the non-nuclear-weapon State or States in which the project is to be conducted of the name and nationality of the proposed Agency observer and shall transmit a written certification of the observer's relevant qualifications and shall enter into such other consultations as the interested States request. The supplier nuclear-weapon State and the non-nuclear-weapon State or States in which the project is to be conducted shall inform the Director General within 30 days of receipt of such a proposal whether they would accept the designation of that Agency observer. If so accepted, the proposed observer may be designated as an Agency observer for that project, and the Director General shall notify the interested States of such designation.

(21) If a State party to an observation agreement, either upon proposal of a designation or at any time after a designation has been made, objects to the designation of an Agency observer for the peaceful nuclear explosion project involved, it shall inform the Director General of its objection. In this event, the Director General shall propose to the interested States an alternative designation or designations. The Director General may refer to the Board, for its appropriate action, the repeated refusal of a party to an

observation agreement to accept the designation of an Agency observer if, in his opinion, this refusal would impede the observation provided for in the relevant observation agreement.

(22) The nuclear-weapon State or the non-nuclear-weapon State or States involved in a peaceful nuclear explosion project shall as speedily as possible grant or renew appropriate visas where required for persons accepted by such States as designated Agency observers.

G. VISITS OF AGENCY OBSERVERS

(23) The States parties to an observation agreement shall, except in emergency situations, be given at least three weeks' notice of the arrival of the Agency's observers, including their names and the place and approximate time of their arrival and departure.

(24) Agency observers may be accompanied by representatives of the States concerned, provided that the observers shall not thereby be delayed or otherwise impeded in the exercise of their functions. Agency observers shall use such points of entry into and departure from the State, and such routes and modes of travel within it, as may be designated by the State.

(25) Agency observers, in locations where this is necessary, shall be provided, on request and for reasonable compensation if agreed on, with appropriate equipment for carrying out observation and with suitable accommodation and transport.

(26) The visits and activities of the Agency's observers shall be so arranged as to ensure on the one hand the effective discharge of their functions and on the other hand the minimum possible inconvenience to the States concerned.

(27) Consultations shall take place with the States concerned to ensure that, consistent with the effective discharge of the functions of the Agency's observers, their activities will be conducted in harmony with the terms of NPT or with analogous provisions of other international agreements, and with the laws and regulations existing in the State or States in which the project will be conducted.

(28) After submitting proper identification, Agency observers, in accordance with the observation agreement, shall have access to the exterior of the nuclear explosive device canister or canisters and to the location of any documents and materials the supplier nuclear-weapon State has, in accordance with paragraphs 9(e) and 9(f) of this document, declared to require observation, provided, however, that such access shall be limited to that which is necessary to verify that persons other than authorized nationals of the supplier nuclear-weapon State do not have any form of access to the interior of the nuclear explosive device canister or canisters or to the design information contained in any documents or materials that require observation.

(29) Agency observers shall have access to any location within the area designated as the peaceful nuclear explosion project site in the observation agreement, except such locations, if any, as cannot, consistent with

Articles I and II of NPT or with analogous provisions in other international agreements, be open to other than authorized nationals of the supplier nuclear-weapon State.

(30) Agency observers shall be granted the privileges and immunities necessary for the performance of their functions. Suitable provisions shall be included in each observation agreement, in so far as relevant to the execution of that agreement, from among the provisions of the Agreement on the Privileges and Immunities of the International Atomic Energy Agency¹, excepting Articles V and XII thereof, provided that all parties to the observation agreement so agree.

(31) Disputes between a State concerned and the Agency arising out of the exercise of the functions of Agency observers will be settled according to an appropriate disputes clause in the observation agreement.

H. MISCELLANEOUS PROVISIONS

(32) The guidelines set forth in this document and the procedures for which it provides are established for the information of interested States, to enable them to determine in advance the circumstances and the manner in which the Agency would provide for observation, and for the guidance of the organs of the Agency itself, in order to enable the Board of Governors and the Director General to determine readily what provisions should be included in observation agreements and how to interpret such provisions.

(33) The provisions of this document that are relevant to a particular peaceful nuclear explosion project will become legally binding only upon the entry into force of an observation agreement and to the extent that they are incorporated therein. Such incorporation may also be made by reference.

(34) This document shall be subject to review and may be modified by the Board of Governors in the light of experience as peaceful nuclear explosion science, technology and management develop.

¹ IAEA document INFCIRC/9/Rev.2.

TREATY¹ ON THE PROHIBITION OF THE
EMPLACEMENT OF NUCLEAR WEAPONS
AND OTHER WEAPONS OF MASS DESTRUCTION
ON THE SEABED AND THE OCEAN FLOOR
AND IN THE SUBSOIL THEREOF

THE STATES PARTIES TO THIS TREATY,

RECOGNIZING the common interest of mankind in the progress of the exploration and use of the seabed and the ocean floor for peaceful purposes,
CONSIDERING that the prevention of a nuclear arms race on the seabed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,
CONVINCED that this Treaty constitutes a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race,
CONVINCED that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,
CONVINCED that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,
HAVE AGREED as follows:

Article I

(1) The States Parties to this Treaty undertake not to emplant or emplace on the seabed and the ocean floor and in the subsoil thereof beyond the outer limit of a seabed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

(2) The undertakings of paragraph 1 of this article shall also apply to the seabed zone referred to in the same paragraph, except that within such seabed zone they shall not apply either to the coastal State or to the seabed beneath its territorial waters.

(3) The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

Article II

For the purpose of this Treaty, the outer limit of the seabed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

¹ The Treaty was opened for signature in London, Moscow and Washington on 11 February 1971.

Article III

(1) In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the seabed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

(2) If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall cooperate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and cooperation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

(3) If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and cooperate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to cooperate.

(4) If consultation and cooperation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

(5) Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

(6) Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

Article IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the seabed and the ocean floor, including continental shelves.

Article V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the seabed, the ocean floor and the subsoil thereof.

Article VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

Article VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at 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. Such review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

Article VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this 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 States 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 considers to have jeopardized its supreme interests.

Article IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

Article X

(1) This Treaty shall be open for signature to all States. 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 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 the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

(4) For States whose instruments of ratification or accession are deposited after 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 the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

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

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 States signatory and acceding thereto.

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

DONE in triplicate, at the cities of Washington, London and Moscow, this eleventh day of February, one thousand nine hundred seventy-one.

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