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

Resolution adopted on 24 September 2010 during the eleventh plenary meeting

The General Conference,¹

- (a) Recalling resolution GC(53)/RES/14,
- (b) Convinced that the Agency's safeguards are a fundamental component of the nuclear non-proliferation regime, promote greater confidence among States, inter alia, by providing assurance that States are complying with their obligations under relevant safeguards agreements, contribute to strengthening their collective security and help to create an environment conducive to nuclear cooperation,
- (c) Considering the Agency's essential role in applying safeguards in accordance with the relevant articles of its Statute, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), nuclear-weapon-free zone treaties and other relevant treaties,
- (d) Considering also the existing initiatives for the establishment of new nuclear-weapon-free zones and the positive role that the establishment of such zones, freely arrived at among States of the region concerned, and in accordance with the 1999 Guidelines of the United Nations Disarmament Commission, could play in furthering the application of Agency safeguards in those regions,
- (e) Noting that the 2010 Review Conference of the States party to the Treaty on the Non-Proliferation of Nuclear Weapons achieved a substantive outcome in the form of a Final Document, including conclusions and recommendations for follow-on actions applicable to Agency safeguards,

¹ The resolution was adopted with 80 votes in favour, 0 against and 20 abstentions (roll call vote).

- (f) Noting that the implementation of comprehensive safeguards agreements should be designed to provide for verification by the Agency of the correctness and completeness of a State's declaration,
- (g) Stressing the importance of the Model Additional Protocol approved on 15 May 1997 by the Board of Governors aimed at strengthening the effectiveness and improving the efficiency of the safeguards system,
- (h) Welcoming the fact that all nuclear-weapon States have now brought into force protocols additional to their voluntary offer safeguards agreements incorporating those measures provided for in the Model Additional Protocol that each nuclear-weapon State has identified as capable of contributing to the non-proliferation and efficiency aims of the Protocol, when implemented with regard to that State, and as consistent with the State's obligations under article I of the NPT,
- (i) Noting that safeguards agreements are necessary for the Agency to provide assurances about a State's nuclear activities, and that additional protocols are very important instruments to enhance the Agency's ability to derive safeguards conclusions regarding the absence of undeclared nuclear materials and activities,
- (j) Stressing the importance of the Agency exercising fully its mandate and its authority in accordance with its Statute to provide assurances about the non-diversion of declared nuclear material and the absence of undeclared nuclear material and activities in accordance with respective safeguards agreements and, where relevant, with additional protocols,
- (k) Noting that decisions adopted by the Board of Governors aimed at further strengthening the effectiveness and improving the efficiency of Agency safeguards should be supported and implemented and that the Agency's capability to detect undeclared nuclear material and activities should be increased within the context of its statutory responsibilities and safeguards agreements,
- (l) Welcoming the Board's decision, in September 2005, that the Small Quantities Protocol (SQP) should remain part of the Agency's safeguards system, subject to the modifications in the standardized text and the change in the criteria for an SQP referred to in paragraph 2 of document GC(50)/2,
- (m) Welcoming the important work being undertaken by the Agency in the conceptualization and development of State-level approaches to safeguards implementation and evaluation and in the implementation of State-level integrated safeguards approaches which support more effective and efficient safeguards,
- (n) Taking note of the Agency's Safeguards Statement for 2009,
- (o) Welcoming the work the Agency has undertaken in verifying nuclear material from dismantled nuclear weapons,
- (p) Stressing that in using information received from open sources the Secretariat carefully considers the reliability of the source and whether or not the information is authenticated prior to reflection with the State concerned,
- (q) Emphasising that there is a distinction between the legal obligations of States and voluntary measures aimed at facilitating and strengthening the implementation of safeguards and aimed at confidence building, bearing in mind the obligation of States to cooperate with the Agency to facilitate the implementation of safeguards agreements,

- (r) Welcoming the efforts by the Agency to assist States, upon request, in strengthening their national regulatory controls of nuclear material, including the establishment and maintenance of State Systems of Accounting for and Control of Nuclear Material (SSACs),
- (s) Noting that bilateral and regional safeguards arrangements, involving the IAEA, play an important role in the further promotion of transparency and mutual confidence between the States and also provide assurances concerning nuclear non-proliferation,
- (t) Stressing that the strengthening of the safeguards system should not entail any decrease in the resources available for technical assistance and co-operation and that it should be compatible with the Agency's function of encouraging and assisting the development and practical application of atomic energy for peaceful uses and with adequate technology transfer,
- (u) Stressing the importance of maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the Agency's Statute and safeguards agreements,
- (v) Stressing the importance of the State, other concerned parties and the Agency, party to a safeguards agreement, cooperating in a transparent manner in the context of facilitating the implementation of that safeguards agreement, and
- (w) Noting that the Secretariat ensures that all measures for strengthening effectiveness and improving efficiency of the safeguards system remain consistent with the Agency's statutory responsibilities and functions,

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

1. Calls on all Member States to give their full and continuing support to the Agency in order to ensure that the Agency is able to meet its safeguards responsibilities;
2. Stresses the need for effective safeguards in order to prevent the use of nuclear material for prohibited purposes in contravention of safeguards agreements, and underlines the vital importance of effective and efficient safeguards for facilitating cooperation in the field of peaceful uses of nuclear energy;
3. Bearing in mind the importance of achieving the universal application of the Agency's safeguards system, urges all States which have yet to bring into force comprehensive safeguards agreements to do so as soon as possible;²
4. Welcomes that, as of 24 September 2010, 167 States parties to the NPT have brought into force comprehensive safeguards agreements; however notes that 18 non-nuclear-weapon States parties to the NPT have yet to bring into force a comprehensive safeguards agreement;
5. Stresses the importance of States to comply fully with their safeguards obligations;
6. Underscores the importance of resolving all cases of non-compliance with safeguards obligations in full conformity with the Statute and States' legal obligations, and calls upon all States to extend their cooperation in this regard;

² Operative paragraph 3 was voted on separately and was approved with 95 votes in favour, 2 against and 3 abstentions (roll call vote)

7. Bearing in mind that it is the sovereign decision of any State to conclude an additional protocol, but once in force, the additional protocol is a legal obligation, encourages all States which have not yet done so to conclude and to bring into force additional protocols as soon as possible and to implement them provisionally pending their entry into force in conformity with their national legislation;
8. Welcomes that, as of 24 September 2010, 135 States and other parties to safeguards agreements have signed additional protocols, and that additional protocols are in force for 102 of those States and other parties;
9. Recommends that the Agency further facilitate and assist concerned Member States, at their request, in the conclusion and entry into force of comprehensive safeguards agreements and additional protocols;
10. Notes that, for States with both a comprehensive safeguards agreement, and an additional protocol in force or being otherwise applied, Agency safeguards can provide increased assurances regarding both the non-diversion of nuclear material placed under safeguards and the absence of undeclared nuclear material and activities for a State as a whole;
11. Notes that, in the case of a State with a comprehensive safeguards agreement supplemented by an additional protocol in force, these measures represent the enhanced verification standard for that State;
12. Notes that, as of 24 September 2010, 97 States have comprehensive safeguards agreements supplemented by additional protocols in force, which represents a majority of those non-nuclear-weapon States parties to the NPT that have concluded comprehensive safeguards agreements, and that, of these, 46 States have significant nuclear activities and 42 States have operative SQPs;
13. Reaffirms that the Director General use the Model Additional Protocol as the standard for additional protocols which are to be concluded by States and other Parties to comprehensive safeguards agreements with the Agency and which should contain all of the measures in the Model Additional Protocol;
14. Reaffirms that the Director General negotiate additional protocols with other States that are prepared to accept measures provided for in the Model Additional Protocol in pursuance of safeguards effectiveness and efficiency objectives;
15. Further invites the nuclear-weapon States to keep the scope of their additional protocols under review;
16. Takes note of the revised standardized text for SQPs, and encourages States with SQPs to conclude with the Agency, as soon as possible, exchanges of letters consistent with the Board decision of 20 September 2005 with regard to SQPs, and requests the Secretariat to continue to assist States with SQPs, including non-members of the Agency, through available resources, in the establishment and maintenance of their SSACs;
17. Welcomes that, as of 24 September 2010, 45 States have accepted SQPs in accordance with the modified text endorsed by the Board of Governors;
18. Urges the Secretariat to continue to improve the effectiveness and efficiency of safeguards through the use of a State-level approach in the planning, implementation and evaluation of safeguards activities, in conformity with the relevant safeguards agreement(s) in force for a State;
19. Welcomes that, as of 24 September 2010, the Agency is implementing State-level integrated safeguards approaches for 48 States;

20. Urges the Secretariat to continue to ensure that the transition to integrated safeguards is given high priority and that elements of the conceptual framework are continually reviewed in the light of experience and technological developments with a view to maintaining effectiveness and maximizing cost savings for the Agency and for States under integrated safeguards, including the reduction of verification effort;
21. Encourages States concerned to promote early consultations with the Agency at the appropriate stage on safeguards-relevant aspects for new nuclear facilities in order to facilitate future safeguards implementation;
22. Acknowledges the concerns expressed by the Director General on the need to protect safeguards confidential information within the Secretariat and his announcement of additional measures to protect such information, urges the Director General to exercise the highest vigilance in ensuring the proper protection of safeguards confidential information, and requests the Director General to continue to review and update the established procedure for the protection of safeguards confidential information within the Secretariat and report periodically to the Board about the implementation of the regime for the protection of safeguards confidential information;
23. Welcomes Agency and Member State efforts in strengthening the analytical capabilities of the Safeguards Analytical Laboratories (SAL) of the Agency, encourages the expansion of such analytical capabilities in other laboratories with a view to their qualification in the Network of Analytical Laboratories, encourages support for efforts towards the establishment of such capabilities, especially in developing countries, and encourages the Director General to keep the Member States informed on developments and measures taken by the Secretariat in this respect;
24. Welcomes continued cooperation between the Secretariat and State and regional systems of accounting for and control of nuclear material, and encourages them to increase their cooperation, taking into account their respective responsibilities and competencies;
25. Notes the commendable efforts of some Member States, notably Japan, and the Agency Secretariat in implementing elements of the plan of action outlined in resolution GC(44)/RES/19 and the Agency's updated plan of action (September 2010), and encourages them to continue these efforts, as appropriate and subject to the availability of resources, and review the progress in this regard, and recommends that the other Member States consider implementing elements of that plan of action, as appropriate, with the aim of facilitating the entry into force of comprehensive safeguards agreements and additional protocols, and the amendment of operative SQPs;
26. Welcomes efforts to strengthen safeguards, and in this context takes note of the Secretariat's activities in verifying and analysing information provided by Member States on nuclear supply and procurement in accordance with the Statute and relevant State safeguards agreements, taking into account the need for efficiency, and invites all States to cooperate with the Agency in this regard;
27. Requests the Director General and the Secretariat to continue to provide objective technically and factually based reports to the Board of Governors and the General Conference on the implementation of safeguards, with appropriate reference to relevant provisions of safeguards agreements;
28. Acknowledges the continued importance of the opportunity for Member States to express their views on the contents of the Safeguards Implementation Report (SIR);
29. Requests the Agency and Member States to continue to co-operate, as appropriate, to provide assistance to facilitate the implementation of safeguards agreements and of additional protocols, inter alia, through the exchange of equipment, material and scientific and technological information;

30. Requests that any new or expanded actions in this resolution be subject to the availability of resources, without detriment to the Agency's other statutory activities; and

31. Requests the Director General to report on the implementation of this resolution to the General Conference at its fifty-fifth (2011) regular session.