

**ADHERENCE TO AND COMPLIANCE
WITH
ARMS CONTROL, NONPROLIFERATION,
AND
DISARMAMENT AGREEMENTS
AND COMMITMENTS**



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ADHERENCE TO AND COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS

INTRODUCTION

PURPOSE

This Report is submitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2593a), which requires a report by the President on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*.

SCOPE OF THE REPORT

This Report assesses U.S. adherence to obligations undertaken in arms control, nonproliferation, and disarmament agreements and related commitments, including Confidence- and Security-Building Measures (CSBMs) in 2011, as well as the adherence in 2011 of other nations to obligations undertaken in arms control, nonproliferation, and disarmament agreements and related commitments, including CSBMs and the Missile Technology Control Regime, to which the United States is a participating state. The issues addressed in this Report primarily reflect activities from January 1, 2011 through December 31, 2011, unless otherwise noted.¹

Pursuant to 22 U.S.C. 2593a.(a)(6), this unclassified version of the Report identifies questions, to the maximum extent practicable, that exist with respect to compliance by other countries with their arms control, nonproliferation, and disarmament agreements and commitments with the United States. In comparison to classified versions of the Report, this unclassified version may contain less detailed information, fewer compliance assessments, and findings phrased to safeguard sensitive or special reporting while at the same time fulfilling the Report's statutory requirement.

¹ In this Report, previous editions of the Report are cited by their year of release (e.g., the 2011 Report) unless otherwise noted. The last edition of the Report was released in 2011 and primarily reflected activities from January 2009 through December 31, 2010. The edition of the Report released in 2010 primarily reflected activities from January 2004 through December 2008; the edition released in 2005, primarily reflected activities from January 2002 through December 2003; and the edition released in 2003 primarily reflected activities from December 2000 through December 2001. Each edition prior to the 2003 Report primarily reflected activities that occurred during the year preceding the edition's release.

ADHERENCE TO AGREEMENTS

Effective arms control requires parties to comply fully with arms control obligations and commitments they have undertaken. For the arms control, nonproliferation, and disarmament agreements and commitments to which the United States is a participating state, the United States and the majority of the other participating nations are adhering to their obligations and commitments and have indicated their intention to continue doing so. This Report indicates there are compliance questions and concerns – and in some instances findings of serious treaty violations – involving a relatively small number of countries. The United States continues to pursue resolution of those compliance issues where appropriate.

U.S. Organizations and Programs to Evaluate and Ensure Treaty Compliance. Our deep-seated legal tradition, a commitment to U.S. arms control agreements that enhance our security and that of our allies and friends, and our open society create powerful incentives to comply with agreements to control nuclear weapons and other weapons. Legal and institutional procedures to ensure compliance have been established, and they reflect the seriousness with which these obligations are taken and reinforce these underlying policies and principles. For example, U.S. Department of Defense (DOD) compliance review groups oversee and manage DOD compliance with arms control, nonproliferation, and disarmament agreements and related commitments, including CSBMs. U.S. interagency organizations oversee and manage analysis of the compliance of other nations with arms control, nonproliferation, and disarmament agreements and related commitments, including CSBMs. Moreover, an interagency review is conducted in appropriate cases, including when other treaty parties officially raise questions regarding U.S. implementation of its obligations. Finally, Congress performs oversight functions through committee hearings and budget allocations.

OVERVIEW

This Report addresses U.S. compliance with arms control agreements and commitments (Part I), compliance by Russia and other successor states of the Soviet Union with treaties that the United States concluded bilaterally with the Soviet Union (Part II), compliance by countries that are parties to multilateral agreements and commitments with the United States (Part III), and compliance with commitments made less formally but that bear directly upon arms control, nonproliferation, or disarmament issues (Part IV).

PART I: U.S. COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS

U.S. INSTITUTIONAL AND PROCEDURAL ORGANIZATION FOR ENSURING COMPLIANCE

There are processes and controls within the U.S. executive branch, including at the Department of Defense (DOD), the Department of Energy (DOE), and the Department of Homeland Security (DHS) that operate to ensure U.S. plans and programs remain consistent with U.S. international obligations. They operate in parallel, and in addition to congressional oversight.

In 1972, the DOD established a process to ensure that all DOD programs comply with U.S. international obligations. Under this compliance process (established at the conclusion of the Strategic Arms Limitation Talks (SALT) that led to arms control-related agreements on strategic offensive arms), key offices in DOD are responsible for overseeing DOD compliance with all U.S. arms control, nonproliferation, and disarmament agreements and commitments, including Confidence- and Security-Building Measures (CSBMs). DOD components ensure that their implementing program offices adhere to DOD compliance directives and seek guidance from the offices charged with oversight responsibility. Interagency reviews are also conducted in appropriate cases, such as when other treaty parties formally raise questions regarding U.S. implementation of its arms control obligations.

U.S. COMPLIANCE

The United States is in compliance with all its obligations under arms control, nonproliferation, and disarmament agreements and commitments, and continues to make every effort to comply scrupulously with them. When U.S. partners have raised a compliance question regarding U.S. implementation activities, the United States has carefully reviewed the matter to confirm that its actions were in compliance with its obligations.

Biological and Toxin Weapons Convention (BWC). All U.S. activities during the reporting period were consistent with the obligations set forth in the BWC. The United States continues to work towards full transparency of biological defense work using the BWC confidence-building measures.

Chemical Weapons Convention (CWC). The CWC entered into force on April 29, 1997. The United States continues to work towards meeting all its CWC obligations, including those with respect to the destruction of chemical weapons (CW) and associated CW facilities.

The United States continues to update the Organization for the Prohibition of Chemical Weapons (OPCW) on its destruction efforts, and was instrumental in the development and November 2011 adoption by the OPCW Conference of States of transparency measures to provide States Parties and the OPCW with confidence in States Parties' continued commitment to and progress toward complete, verified destruction of its chemical weapons under the CWC. The United States has provided a full and complete declaration of its CW and associated CW facilities. U.S. CWC Regulations (15 CFR 710 et seq.) require commercial facilities to submit annual declarations on past and anticipated activities, and to permit systematic and routine verification through on-site inspections of commercial facilities.

Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles, also known as the Intermediate-Range Nuclear Forces (INF) Treaty. All U.S. activities during the reporting period were consistent with the obligations set forth in the INF Treaty. The Russian Federation did not raise any new INF compliance issues during the reporting period.

Threshold Test Ban Treaty (TTBT), Underground Nuclear Explosions for Peaceful Purposes Treaty (PNET), and Limited Test Ban Treaty (LTBT). The United States has not conducted any nuclear weapon tests or any nuclear explosions for peaceful purposes since 1992. All U.S. activities during the reporting period were consistent with the obligations set forth in the TTBT, PNET, and LTBT.

1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. All U.S. activities during the reporting period were consistent with the obligations set forth in the 1925 Geneva Protocol.

Treaty on Conventional Armed Forces in Europe (CFE Treaty) and the Vienna Document. All U.S. activities during the reporting period were consistent with the obligations set forth in the CFE Treaty and the political commitments associated with the Vienna Document.

In November 2011, under the doctrine of countermeasures, the United States ceased implementation of certain CFE Treaty obligations (notifications, data exchange, inspections) vis-à-vis the Russian Federation only for so long as Russia continues not to perform its obligations to the United States under the CFE Treaty; 23 additional CFE States Parties took a similar step with regard to Russia. The Russian Federation has not challenged this action. The United States continues to perform its obligations under the CFE Treaty vis-à-vis all other States Parties.

Treaty on Open Skies (OST). All U.S. activities during the reporting period were consistent with the obligations set forth in the OST.

Nuclear Non-Proliferation Treaty (NPT). All U.S. activities during the reporting period were consistent with the obligations set forth in the NPT.

Treaty on Strategic Offensive Reductions (Moscow Treaty).² All U.S. activities during the reporting period were consistent with the obligations set forth in the Moscow Treaty.

Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START Treaty). All U.S. activities during the reporting period were consistent with the obligations set forth in the New START Treaty (NST).

² The Moscow Treaty terminated upon entry into force of the New START Treaty on February 5, 2011. All U.S. activities remained consistent with the Moscow Treaty obligations through its termination.

PART II: COMPLIANCE WITH TREATIES AND AGREEMENTS CONCLUDED BILATERALLY WITH THE SOVIET UNION OR ITS SUCCESSOR STATES

INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY

The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty) was signed by President Reagan and Soviet General Secretary Gorbachev on December 8, 1987, and entered into force on June 1, 1988. Elimination of all declared missiles and launchers under the Treaty was completed in 1991.

The Treaty is of unlimited duration and bans the possession, production, and flight testing of intermediate- and shorter-range missile systems. The Treaty required complete elimination of all the approximately 800 U.S. and approximately 1,800 former Soviet ground-launched missiles with ranges between 500 and 5,500 kilometers, their launchers, and their associated support equipment and structures. All such items were eliminated by May 28, 1991.

The Treaty established a verification regime using national technical means of verification (NTM), notifications, and an on-site inspection regime to detect and deter violations of Treaty obligations. The inspection regime concluded at the end of 13 years following the Treaty's entry into force, that is, on May 31, 2001. All inspection activities have now ceased in accordance with the provisions of the Treaty. The remainder of the verification regime continues for the life of the Treaty.

The Parties to the Treaty last met in the Special Verification Commission in October 2003. There have been no issues raised in the intervening period.

**TREATY ON
MEASURES FOR THE FURTHER REDUCTION AND
LIMITATION OF STRATEGIC OFFENSIVE ARMS
(THE NEW START TREATY)**

For a discussion of Russia’s implementation of its obligations under the New START Treaty, see the Report on Implementation of the New START Treaty, submitted on February 1, 2012, consistent with Section (a)(10) of the Senate Resolution of Advice and Consent to Ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (also known as the “Condition (10) Report”), and appended to this Report.

PART III: OTHER NATIONS' (INCLUDING SUCCESSOR STATES') COMPLIANCE WITH MULTILATERAL TREATIES

BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC)

As of the end of 2011, there were 165 States Parties to the 1972 Biological and Toxin Weapons Convention (BWC or Convention), and an additional 13 countries had signed but not yet ratified the agreement. This Report addresses BWC-related issues regarding China, Iran, North Korea, Pakistan, and the Russian Federation, all of which are States Parties to the BWC. As in 2010, available information in 2011 did not indicate that Cuba, India, Iraq, and Libya are engaged in activities prohibited by the BWC. Therefore, they are not addressed in this year's report. In 1987, BWC States Parties established an annual data exchange, referred to as the Confidence-Building Measures (CBMs). The CBMs were modified and expanded in 1991 and further streamlined in 2011. The arrangement establishing the CBMs is not legally binding and not all States Parties submit reports. This Report also addresses biological warfare (BW)-related activities of Egypt and Syria, which have signed but not ratified the BWC.

COUNTRY ASSESSMENTS

CHINA

FINDING

Available information indicates China engaged during the reporting period in biological activities with potential dual-use applications; however, the information did not establish that China is engaged in activities prohibited by the BWC.

BACKGROUND

China became a State Party to the BWC in 1984. Its compliance with the Convention has been addressed since the 1993 Report.

China's CBM declarations have not documented a historical offensive BW program.

Available information indicates that China continued during the reporting period to develop its biotechnology infrastructure, pursue scientific cooperation with entities of several countries, and engage in biological activities with potential dual-use applications. China has adopted national export controls to address the challenges of biological weapons proliferation.

China's State Council issued a January 2009 white paper, *China's National Defense in 2008*, stating that China had established a comprehensive legislation system for the implementation of the BWC, set up a national implementation focal point, and submitted its BWC CBM declarations in a timely manner.

Compliance Discussions

No BWC compliance issues were raised between the United States and China during the reporting period.

EGYPT

FINDING

During the reporting period, available information did not indicate that Egypt is engaged in activities prohibited to States Parties by the BWC. Egypt is a signatory and not a State Party to the BWC.

BACKGROUND

Egypt signed the BWC in 1972 but has yet to ratify the Convention.

As a signatory but not a State Party to the BWC, Egypt has not committed, nor has it been expected, to submit annual CBM declarations. Accordingly, it has made no BWC CBM declarations.

There has been no reporting during the reporting period to indicate that Egypt has a BW program.

Available information indicated Egypt continued during the reporting period to improve its biotechnology infrastructure, engage in biological research and development activities including genetic engineering techniques, and pursue scientific cooperation with other countries. However, as of the end of 2011, available information did not indicate that Egypt is engaged in activities prohibited by the BWC.

Compliance Discussions

No BWC compliance issues were raised between the United States and Egypt during the reporting period.

IRAN

FINDING

Available information indicated Iran continued during the reporting period to engage in

activities with potential dual-use BW applications. It remained unclear whether any of these activities were prohibited by the BWC.

BACKGROUND

Iran became a State Party to the BWC in 1973. Its compliance with the Convention has been addressed since the 1993 Report.

Available information indicated that Iran continued during the reporting period to engage in activities with potential dual-use BW applications. It remained unclear whether any of these activities were prohibited by the BWC.

Compliance Discussions

During the reporting period, issues relating to Iran's potential dual-use BW activities continued to be raised with other countries in multilateral channels.

In April 2010, Iran's Ambassador to the United Nations sent a letter to the UN Security Council (UNSC) indicating Iran is firmly committed to full implementation of the BWC. In December 2011, senior Iranian officials publicly renounced the development, production, acquisition and stockpiling of any weapons of mass destruction, including biological and toxin weapons.

NORTH KOREA (DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK))

FINDING

The United States judges that North Korea may still consider the use of biological weapons as an option, contrary to the BWC. North Korea continues to develop its biological research and development capabilities, but has yet to declare any relevant developments as part of the BWC confidence-building measures.

BACKGROUND

North Korea became a State Party to the BWC in 1987. Its compliance with the Convention was first addressed in the edition of this Report covering the year 2000.

The only BWC-related declaration that North Korea has made was a BWC CBM declaration in 1990.

Available information indicated North Korean entities engaged during the reporting period in a range of biological research and development activities, including pursuing scientific cooperation with entities of other countries.

The United States notes that North Korea may still consider the use of biological weapons as an option, contrary to the BWC.

In June 2009, the UN Security Council passed Resolution 1874, which, *inter alia*, authorized and required all Member States to seize and dispose of items the supply, sale, transfer, or export of which is prohibited by paragraph 8(a), 8(b) or 8(c) of UN Security Council Resolution (UNSCR) 1718 (2006), and that are identified in an inspection conducted pursuant to paragraph 11, 12, or 13 of Resolution 1874. UNSCR 1718 requires all Member States to prevent the supply, sale, or transfer to the DPRK, and to prohibit procurement from the DPRK, of certain items that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programs. The list of items, materials, equipment, goods, and technology related to biological and chemical weapons to be included under the sanctions provisions of UNSCR 1718 was issued by the UN DPRK Sanctions Committee in S/2006/853.

Compliance Discussions

During the reporting period, discussions regarding North Korea's compliance with its BWC obligations continued in multilateral fora.

In the past, North Korea has rejected the view that it is not meeting its BWC obligations. It has also stated that it opposes the development and use of biological weapons, and that it does not possess a single biological weapon. (U)

PAKISTAN

FINDING

Information available through the end of 2011 did not indicate Pakistan is engaged in activities prohibited by the BWC. Pakistan continued during the reporting period to work to improve its biological weapons-related export controls. As of the end of 2011, it had yet to submit an annual confidence-building measure (CBM) declaration.

BACKGROUND

Pakistan became a State Party to the BWC in 1974.

Pakistan has a modernizing biotechnology infrastructure that continued during the reporting period to pursue a range of biological research and development activities. These included pursuing scientific cooperation with entities in other countries, such as the United States. Information available through the end of 2011 did not indicate Pakistan is engaged in activities prohibited by the BWC.

In February 2012, Pakistani officials reported that a bioterrorism attack on the Prime Minister had occurred in October 2011, when a parcel containing anthrax was received. No fatalities due to this incident were reported.

As of the end of 2011, Pakistan had yet to submit an annual CBM declaration. In 2010, Pakistan indicated it was preparing its first declaration.

Compliance Discussions

The United States and Pakistan continued to collaborate during the reporting period on improving Pakistan's BW-related export controls.

RUSSIAN FEDERATION

FINDING

Available information during the reporting period indicated Russian entities have remained engaged in dual-use, biological activities. It is unclear that these activities were conducted for purposes inconsistent with the BWC. It also remains unclear whether Russia has fulfilled its BWC obligations in regard to the items specified in Article I of the Convention that it inherited.

BACKGROUND

The Soviet Union became a State Party to the BWC in 1975. Russia's BWC compliance was first addressed in the 1993 Report, while the Soviet Union's BWC noncompliance was first addressed in the January 1984 Report to Congress on Soviet Non-compliance with Arms Control Agreements.

Russia's Acknowledgement of Inherited Soviet Activities. In January 1992, President Yeltsin announced that Russia renounced the former Soviet Union's reservations to the 1925 Geneva Protocol that had allowed for retaliatory use of biological weapons. (The Duma voted to remove these reservations in 2001.) In April 1992, President Yeltsin signed a decree committing Russia as the BWC successor to the Soviet Union and prohibiting illegal biological warfare activity in Russia. During discussions in Moscow in September 1992, Russian officials confirmed the existence of a biological weapons program inherited from the Soviet Union, committed themselves to dismantling it, and agreed to on-site verification procedures.

Although Russia had inherited the past offensive program of biological research and development from the Soviet Union, Russia's annual BWC confidence-building measure declarations since 1992 have not satisfactorily documented whether this program was completely destroyed or diverted to peaceful purposes in accordance with Article II of the BWC.

Russian entities remained engaged during the reporting period in BW-relevant activities. It remains unclear if Russia has fulfilled its obligations under Article II of the BWC to destroy or divert to peaceful purposes the items specified in Article I of the Convention that it inherited from the Soviet Union.

Compliance Discussions

During the reporting period, no discussions took place regarding Russia's compliance with the BWC.

SYRIA

FINDING

Based on information available during the reporting period, the United States is concerned that Syria, a signatory to the BWC, may be engaged in activities that would violate its obligations under the BWC if it were a State Party to the Convention.

BACKGROUND

Syria signed the BWC in April 1972, but has yet to ratify the Convention. Syria's BW-related activities have been addressed since the 1993 Report.

As a signatory but not a State Party to the BWC, Syria has not committed, nor has it been expected, to submit annual CBM declarations. Accordingly, it has made no BWC CBM declarations.

Pursuant to U.S. Executive Order 13382, the United States had designated four Syrian government entities as WMD proliferators during previous reporting periods out of concern their activities focused on the development of biological and chemical weapons. These designations remained in effect through the end of this reporting period.

It remained unclear during the reporting period whether Syria would consider the use of biological weapons as a military option.

Compliance Discussions

Discussions regarding Syria's BW-related activities continued among the United States and other countries during the reporting period.

During a regional workshop on the implementation of UN Security Council Resolution 1540 in March 2009, the Syrian representative stated that Syria did not have any weapons of mass destruction, did not want to acquire any, and was not helping other countries to get materials to develop WMD.

TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE (CFE)

For a discussion of other nations' adherence to their obligations under the CFE Treaty, see the Report on Compliance with the Treaty on Conventional Armed Forces in Europe submitted on March 29, 2012, consistent with Condition 5(C) of the Senate Resolution of Advice and Consent to Ratification of the CFE Flank Document (also known as the "Condition 5(C) Report") and appended to this Report.

VIENNA DOCUMENT ON CONFIDENCE- AND SECURITY- BUILDING MEASURES

On November 16, 1999, the participating States of the Organization for Security and Cooperation in Europe (OSCE) adopted Vienna Document 1999 (VD99), which added to and built upon the undertakings in previous versions of the Vienna Document (1990, 1992, and 1994). The measures contained in the Vienna Document are politically binding upon the participating States. In line with a new procedure to assess and reissue the Vienna Document on a periodic basis, an updated Vienna Document 2011 (VD11), with modifications consisting solely of minor technical changes, was issued on December 1, 2011.

In 2011, 93 inspections and 39 evaluation visits of units and formations were conducted by the participating States under the provisions of the Vienna Document. In addition, 12 inspections and 28 evaluation visits were conducted using Vienna Document procedures under bilateral agreements or regional measures that provided additional inspection opportunities to the participants in those arrangements.

In the most recent annual Vienna Document exchange of confidence- and security-building measures (CSBM) data, 48 of the 50 participating States with armed forces provided CSBM data as of the end of 2011. Turkmenistan did not provide data as of the end of 2011, while Uzbekistan has not provided data since 2004.

CHEMICAL WEAPONS CONVENTION (CWC)

For a discussion of other nations' adherence to their obligations under the Chemical Weapons Convention, see the Report on Chemical Weapons Convention Compliance, submitted on March 8, 2012, in accordance with Condition 10(C) of the Senate Resolution of Advice and Consent to the Chemical Weapons Convention (also known as the "Condition 10(C) Report"), and appended to this Report.

NUCLEAR NON-PROLIFERATION TREATY (NPT)

This section of the Report covers developments relevant to other nations' compliance with the 1968 Nuclear Non-Proliferation Treaty (NPT) and addresses, in particular, developments in Burma, Iran, North Korea (DPRK), and Syria.

As of the end of 2011, there were 14 non-nuclear-weapon States (NNWS) party to the NPT that had not yet brought into force a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA). The NPT does not require adherence to an IAEA Additional Protocol, which contains measures that increase the IAEA's ability to verify the non-diversion of declared nuclear material and to provide assurances as to the absence of undeclared nuclear material and activities in a State. As of the end of 2011, 140 states had an Additional Protocol approved by the IAEA Board of Governors, 138 of those had been signed and 114 had entered into force. (The Additional Protocol entered into force for the United States on January 6, 2009.)

COUNTRY ASSESSMENTS

BURMA

FINDING

Concerns that the United States expressed in last year's Compliance Report regarding Burma's interest in pursuing a nuclear program, including the possibility of cooperation with North Korea, were partially allayed at the end of the current reporting period. During this timeframe, the Burmese government stated that it is fully implementing UN Security Council Resolutions 1718 and 1874 that, *inter alia*, prohibit nuclear, ballistic missile, and other weapons of mass destruction trade with North Korea. Further, the Burmese government stated that it is seriously considering signing an Additional Protocol with the IAEA. Although encouraged by these reports, the U.S. Government will remain alert to any indications of Burmese nuclear weapons-related activities or intentions to develop a nuclear weapons capability. As of the end of 2011, available information did not support a conclusion that Burma had engaged in activities prohibited by its NPT obligations or IAEA safeguards. However, U.S. confidence in Burma's compliance would be enhanced significantly by its adoption and full implementation of an Additional Protocol.

BACKGROUND

Burma became a State Party to the NPT in 1992 and its NPT Safeguards Agreement with the IAEA entered into force in 1995. As a country with little to no nuclear material, Burma concluded a Small Quantities Protocol (SQP) in April 1995. The SQP holds in abeyance most of the operative provisions of the Safeguards Agreement. At the end of 2011, Burma had not yet signed an Additional Protocol, modified its SQP as called for by the IAEA Board of Governors in September 2005, or modified Code 3.1 of the Subsidiary Arrangements to its Safeguards

Agreement. The latter would obligate Burma to provide the IAEA with early notification of a decision to build a nuclear facility.

As early as 2002, the Burmese Government had publicly announced its intention to acquire a nuclear research reactor for peaceful purposes under IAEA auspices.

In May 2007, Burma and Russia signed an agreement for Russia to assist in building a nuclear research center in Burma that would include a 10 Megawatt (MW) light-water research reactor. Russia has provided public assurances that the research reactor would be placed under IAEA safeguards.

In 2010, Burma's Ministry of Foreign Affairs stated that Burma had suspended its reactor plan with Russia "due to inadequacy of resources and the government's concern for misunderstanding it may cause" among the international community. The same points were made by Burma's delegation to the September 2011 IAEA General Conference and by Vice President Thiha Thura U Tin Aung Myint Oo during a U.S. Congressional visit to Burma in January 2012. Vice President Tin Aung Myint Oo also stated that his country does not have the "economic strength" to pursue a nuclear weapons program.

The United States has expressed concerns about Burma's interest in pursuing a nuclear program, including the possibility of cooperation with North Korea.

The United States continues to note that U.S. confidence in Burma's compliance would be enhanced significantly by its adoption and full implementation of an Additional Protocol, as well as its agreement to modify its SQP, in accordance with a decision by the IAEA Board of Governors to strengthen the provisions of this type of agreement.

Compliance Discussions

The United States urged Burma to sign the IAEA Additional Protocol and the revised SQP.

In September 2010, Burma affirmed in a statement to the IAEA General Conference that the applications of nuclear science and technology in Burma were only for peaceful developmental purposes and that Burma would never engage in activities related to the production and proliferation of nuclear weapons.

U.S. Secretary of State Clinton visited Burma in December 2011 and encouraged its leadership to sign an IAEA Additional Protocol. During the visit, Burma's President Thein Sein reported that Burma is seriously considering signing an Additional Protocol and claimed that it is already talking to the IAEA about this matter. President Thein Sein also assured Secretary Clinton of his country's commitment to UN Security Resolutions 1874 and 1718.

IRAN

FINDING

Iran is in violation of obligations under the NPT, its IAEA Safeguards Agreement, and relevant UN Security Council resolutions.

BACKGROUND

Iran became a State Party to the NPT in 1970 and its NPT Safeguards Agreement entered into force in 1974. Iran signed the Additional Protocol in 2003 and implemented it provisionally and selectively from 2003 to 2006, when provisional implementation was suspended. Iran's compliance with the NPT was first addressed in the 1992 Report.

Iran's violations of its obligations under the NPT and its IAEA Safeguards Agreement have been ongoing since the early 1980s. In 2002, an Iranian opposition group publicly revealed covert nuclear facilities under construction at Natanz and Arak in Iran that Iran had failed to declare to the IAEA. Developments led the IAEA Board of Governors to declare Iran in noncompliance with its IAEA Safeguards Agreement in 2005 and to report the case to the UN Security Council in 2006.

During the reporting period, Iran continued to make progress on uranium enrichment-related activities. This included continuing construction of its Fordow enrichment facility near the city of Qom; continuing research and development work on advanced centrifuges; and enriching uranium up to nearly 20 percent at both the Natanz Pilot Fuel Enrichment Plant (PFEP) and the Fordow Fuel Enrichment Plant (FFEP). Further, Iran continued to amass a large stockpile of uranium enriched to up to 5% that, if further enriched and processed, would be sufficient to produce three to five nuclear warheads. While all of these activities are under IAEA safeguards and inspected regularly by the IAEA, they are inconsistent with UN Security Council Resolutions that require Iran to suspend enrichment-related activities. Iran also continued to make progress on its heavy water-related activities by continuing to construct its IR-40 heavy water-moderated research reactor at Arak and operate its heavy water production plant at Arak. Iran provided no information on its previously stated intention to build ten new uranium enrichment facilities.

The IAEA continued to note serious concerns regarding possible military dimensions (PMD) to Iran's nuclear program. IAEA reporting indicated that, since August 2008, Iran has declined to discuss these unresolved issues with the IAEA or to provide any further information or access to locations and people necessary to address the IAEA's concerns. In addition, the IAEA indicated that there were no ongoing reprocessing-related activities in Iran at the facilities to which the IAEA has access. Finally, Iran repeatedly failed to provide design information or report design changes to nuclear installations well in advance of any action taken to modify existing facilities or construct new ones, as required by the legally-binding modified Code 3.1 of the Subsidiary Arrangements to Iran's NPT Safeguards Agreement.

The IAEA Director General (DG) reiterated publicly during the reporting period that, while the IAEA continues to verify the non-diversion of *declared* nuclear material in Iran, Iran has not provided the necessary cooperation to permit the IAEA to provide assurances that Iran's nuclear program is exclusively peaceful. Concerns also were raised this year that there still was no movement by Iran on outstanding issues which need to be clarified regarding possible military dimensions of its nuclear program. The IAEA DG's November 2011 report contained a detailed PMD Annex, outlining evidence available to the IAEA that Iran had conducted activities relevant to the development of a nuclear explosive device. The report indicates that Iran had a structured military program through 2003, and that some activities may still be ongoing. It also noted a possible discrepancy in uranium accounting.

In addition, the United States notes that Iran continues to engage in uranium enrichment- and heavy water-related activities in violation of UN Security Council resolutions. Iran's work at the Fordow facility is consistent with Iran's stated intention to triple its production capacity of near 20 percent enriched uranium at the formerly undeclared uranium enrichment plant. It also continues to fail to meet its obligations under modified Code 3.1 of the Subsidiary Arrangements to its IAEA Safeguards Agreement. Iran's failure to abide by the obligations of its IAEA Safeguards Agreement also constitutes a violation of its NPT Article III obligations. Moreover, Iran had previously received assistance in the manufacture of nuclear weapons in violation of its Article II obligations, as noted in the 2005, 2010, and 2011 Reports. The issues underlying that finding remain unresolved.

Compliance Discussions

In June 2010, the UN Security Council adopted United Nations Security Council Resolution 1929 (UNSCR 1929), imposing a range of sanctions against Iran. A year later, in June 2011, the Security Council passed United Nations Security Council Resolution 1984, which extended the mandate of the Panel of Experts established by UNSCR 1929 to help implement UNSCR 1929. As of the end of 2011, the Security Council had adopted seven resolutions on Iran (UNSCRs 1696, 1737, 1747, 1803, 1835, 1929, and 1984), four of which impose binding Chapter VII sanctions. In addition, the United States and others, including the European Union, Norway, Canada, Australia, Japan and the Republic of Korea, have imposed their own sanctions to increase pressure on Iran to resolve questions about its nuclear program.

In November 2011, the IAEA Board of Governors (BOG) again passed a resolution urging Iran to comply fully and without delay with its obligations and expressing deep and increasing concern about the unresolved issues related to Iran's nuclear program, including those which need to be clarified to exclude the existence of possible military dimensions.

During the reporting period, the United States continued to support the IAEA in addressing Iran's nuclear program and to work closely with the other P5+1 countries (China, France, Germany, Russia, and the United Kingdom) to resolve the issue. In addition, the United States continued to impose sanctions on entities and individuals involved in nuclear-related proliferation with Iran. The IAEA, the United States, and numerous other countries urged Iran to cooperate with the IAEA and to implement UNSC and IAEA BOG resolutions, the Additional Protocol, and modified Code 3.1. However, Iran continued to maintain that its nuclear program

was peaceful and to reject concerns regarding its nuclear activities and lack of full cooperation with the IAEA.

NORTH KOREA (DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (DPRK))

FINDING

North Korea was in violation of its obligations under Articles II and III of the NPT and had been found to be in noncompliance with its IAEA Safeguards Agreement before its announced withdrawal from the NPT in 2003. North Korea’s continued development of its nuclear program, including its uranium enrichment activities and ongoing construction of a light-water reactor, are violations of UNSCRs 1718 and 1874 and of the DPRK’s commitments under the 2005 Joint Statement of the Six-Party Talks.

BACKGROUND

North Korea acceded to the NPT in 1985 and its IAEA Safeguards Agreement entered into force in 1992. In 2003, the DPRK announced its withdrawal from the NPT. In the Joint Statement released by the Six Parties (China, Japan, North Korea, Russia, South Korea, and the United States) in September 2005, the DPRK committed, *inter alia*, to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the NPT and to IAEA safeguards.

Previous editions of this Report have described violations by North Korea of its obligations under Articles II and III of the NPT and under its IAEA Safeguards Agreement before its announced withdrawal from the NPT in 2003. Previous editions also described North Korea’s violations of its political commitments, including those under the 2005 Joint Statement. During the reporting period, the DPRK did not take any concrete steps toward fulfilling its international obligations and commitments.

Under agreements reached through the Six Party process, North Korea had committed to shut down and disable key parts of Yongbyon’s fuel fabrication facility, reprocessing plant, and 5 MW(e) reactor. However, on April 14, 2009, in response to the UN Security Council’s Presidential Statement condemning its April 5 TD-2 rocket launch as a violation of UNSCR 1718, North Korea announced its withdrawal from the Six-Party Talks, the expulsion of U.S. experts and IAEA monitors who had been monitoring nuclear facilities at Yongbyon since July 2007, and its intention to reverse disablement actions taken at the Yongbyon nuclear complex.³ It subsequently announced that it would “positively examine” the construction of a light water reactor; while not specified in the DPRK announcement, such reactors require enriched uranium for fuel.

³ It should be noted that North Korea has not operated the Yongbyon 5 MW(e) plutonium production reactor since July 2007. In order to restart it, North Korea would have to build a cooling system to replace the reactor’s demolished cooling tower and manufacture new fresh fuel rods.

On May 25, 2009, North Korea publicly announced that it had successfully conducted its second underground nuclear test. The UN Security Council adopted UNSCR 1874 in response, tightening sanctions against North Korea. In September 2009, the DPRK Permanent Representative to the United Nations stated in a letter to the President of the UN Security Council that “[r]eprocessing of spent fuel rods is at its final phase and extracted plutonium is being weaponized” and that “[e]xperimental uranium enrichment has successfully been conducted to enter into completion phase.” In November 2009, North Korea announced it had successfully completed the reprocessing of 8,000 spent fuels rods.

In November 2010, DPRK authorities disclosed to visiting American technical and regional experts, ongoing construction of a light-water reactor (LWR) at Yongbyon, with a target completion date of 2012, as well as what they claimed to be an operational uranium enrichment facility. DPRK authorities stated that the enrichment facility—built inside the former rod core production building at Yongbyon’s Fuel Fabrication and Feed Materials Plant—contained about 2,000 centrifuges, which was consistent with the visitors’ observations, and that the facility was operating and producing low enriched uranium (LEU), which the scientists could not confirm.

North Korea was in violation of its obligations under Articles II and III of the NPT and under its IAEA Safeguards Agreement before its announced withdrawal from the NPT in 2003. In addition, North Korea’s continuing nuclear activities, including its uranium enrichment activities and construction of a light-water reactor, are violations of UNSCRs 1718 and 1874 and of the DPRK’s commitments under the 2005 Joint Statement of the Six-Party Talks.

Compliance Discussions

During the reporting period, the United States emphasized that North Korea continues to disregard its commitments under the 2005 Joint Statement and its obligations under UNSCRs 1718 and 1874. The United States consistently has made clear that North Korea cannot be a nuclear-weapon State as defined in the NPT, that we will not accept North Korea as a nuclear-weapon state, and that the United States remains committed to the 2005 Joint Statement and its goal of the verifiable denuclearization of the Korean peninsula in a peaceful manner. The United States also continued to encourage the international community to implement fully and transparently UNSCRs 1718 and 1874 to help prevent North Korean proliferation activities and curb further development of its nuclear program. Quarterly at every Board of Governors (BOG) meeting of the IAEA since December 2010, including in November 2011, the United States and other members of the IAEA BOG condemned the DPRK’s uranium enrichment activities and ongoing construction of a light water reactor at Yongbyon as violations of UNSCRs 1718 and 1874. The United States noted that these activities were also in contravention of the DPRK’s commitments under the 2005 Joint Statement. These views echoed the clear consensus of the international community in the resolution adopted unanimously at the 55th IAEA General Conference in September 2011, calling on North Korea to comply fully with its international commitments and obligations, including abandoning all existing nuclear programs and immediately ceasing all related nuclear activities.

In July and October 2011, the United States held two bilateral dialogues with the DPRK to urge it to take concrete steps toward fulfilling its international obligations and

commitments. These discussions were generally constructive, but by the end of the reporting period, further progress was on hold following the sudden death of DPRK leader Kim Jong Il.⁴

SYRIA

FINDING

Syria is in violation of its obligations under the NPT and its IAEA Safeguards Agreement. Syria failed to declare and provide design information to the IAEA for the construction of the nuclear reactor at Al Kibar (Dair Alzour), which was destroyed in September 2007. Syria's clandestine construction of the reactor at Dair Alzour, and its actions to hide the true nature and function of its nuclear program are in violation of Articles 41 and 42 of its Safeguards Agreement and its obligations under Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement.

BACKGROUND

Syria became a State Party to the NPT in 1968 and its NPT Safeguards Agreement entered into force in 1992. It had not signed the Additional Protocol as of the end of 2011.

Al Kibar Site. Until September 2007, Syria covertly was building an undeclared nuclear reactor at Al Kibar (in the province of Dair Alzour) in Syria's eastern desert that would have been capable of producing plutonium. The reactor was destroyed on September 6, 2007, before it became operational. We assess that the reactor's intended purpose was the production of plutonium because the reactor was not configured for power production, was isolated from any civilian population, and was ill-suited for research. Following the reactor's destruction, Syria went to great lengths to clean up the site and to destroy evidence of what had existed at the site. By December, Syria had constructed a large building over the location where the reactor once stood. In April 2008, the United States provided information to the IAEA indicating that the installation destroyed at Al Kibar was a nuclear reactor being constructed with North Korean assistance. The IAEA began investigating Syria's compliance with its IAEA safeguards, but despite repeated requests, was not allowed by Syria to send inspectors to visit the Al Kibar site until June 2008.

During the reporting period, the IAEA continued to investigate the nature of the destroyed facility at the Al Kibar site and continued to seek access and information to address outstanding issues related to the site, including the nature of the destroyed facility and the origin of anthropogenic (man-modified, chemically processed) natural uranium particles found in samples taken at the site. (The particles were of a type not included in Syria's declared inventory of nuclear material.)

⁴ Discussions later resumed in early 2012 and an agreement was reached on a number of concrete steps during a February 2012 U.S.-DPRK dialogue in Beijing. With its April 13, 2012 launch, the DPRK abrogated the terms it agreed to in Beijing. It subsequently announced that it will no longer be bound by the terms of that agreement.

On May 24, 2011, the IAEA released a report that assessed the nature of the destroyed building at Al Kibar, concluding that the building was very likely a nuclear reactor, and should have been declared by Syria pursuant to Articles 41 and 42 of its Safeguards Agreement and Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement. The IAEA assessment concluded that: 1) features of the destroyed building were comparable to those of gas-cooled, graphite-moderated reactors of the type and size alleged; 2) prior to the bombing, the configuration of the infrastructure at the site, including its connections for cooling and treated water, was able to support the operation of such a reactor and was not consistent with Syria's claims regarding the purpose of the infrastructure; in addition, a number of other features of the site added to its suitability for the construction and operation of a nuclear reactor; 3) analysis of samples from the site indicated a connection to nuclear-related activities; and 4) the features of the destroyed building and the site could not have served the purpose claimed by Syria.

The Three Related Sites. Since 2008, the IAEA has asked Syria for access to three additional sites with possible functions related to Al Kibar. However, the IAEA has not publicly disclosed the location of the sites. During the reporting period, the IAEA continued to request access to these sites. Syria continues to maintain that, due to their non-nuclear nature, it has no obligation to provide access to the additional locations.

Miniature Neutron Source Reactor (MNSR), Damascus. During the reporting period, the IAEA continued to engage with Syria in an effort to clarify the origin of anthropogenic natural uranium particles found in samples taken in 2008 and 2009 at the MNSR, which were of a type not included in Syria's declared inventory of nuclear material. Syria has claimed that the particles are related to experiments it performed at the MNSR using yellowcake produced at its Pilot Phosphoric Acid Purification Plant at Homs, Syria. In September 2010, the IAEA and Syria agreed upon a plan of action for resolving the outstanding issues relating to the MNSR.

As part of the September 2010 plan of action, the IAEA visited Homs and the Phosphoric Acid Pilot Plant on April 1, 2011. The IAEA also visited the MNSR on April 19, 2011. The Atomic Energy Commission of Syria (AECS) provided the IAEA with some of the documentation it had requested in the plan of action. The IAEA stated that samples taken on the April 1 visit, along with documentation provided by Syria, and in conjunction with the routine verification activities carried out on April 19, yielded analysis results "not inconsistent" with Syrian statements on the origin of the anthropogenic uranium particles found previously at MNSR. The IAEA stated that the matter would be further addressed in the routine implementation of safeguards.

Compliance Discussions

Prior to the reporting period, in November 2010, the IAEA Director General (DG) sent a letter to the Syrian foreign minister requesting that Syria provide prompt access to relevant information and locations related to Al Kibar and underscoring to Syria the importance of cooperating with the IAEA.

During the reporting period, on June 9, 2011, the IAEA Board of Governors (BOG) adopted a resolution on Syria's implementation of its NPT safeguards. The resolution found

Syria in noncompliance with its Safeguards Agreement; called upon Syria to “remedy urgently” its noncompliance by allowing IAEA access to all information, sites, material, and persons necessary for the agency to resolve all outstanding questions regarding Syria’s nuclear program; and called upon Syria to sign and bring into force the Additional Protocol to its Safeguards Agreement.

The IAEA resolution also referred the matter to the United Nations Security Council. The UN Security Council met once following the IAEA’s referral but took no action. The United States and other countries urged the IAEA and the United Nations to continue to focus on the matter in light of Syria’s reluctance to address all outstanding questions about its clandestine nuclear activities.

At the September and November IAEA Board of Governors meetings in 2011, the United States continued to express its concern, noting Syria’s lack of substantive effort to remedy its noncompliance, including, in particular, by providing the IAEA with access to the three additional sites allegedly related to Al Kibar. The United States said that until Syria cooperates “meaningfully” with the IAEA, Syria’s noncompliance should remain a matter of serious concern to the international community.

Russia, China and a few other states that voted against the IAEA’s resolution have not supported, as of the end of the reporting period, efforts to address Syria’s noncompliance.

During the reporting period, Syria continued to maintain that the destroyed building at Al Kibar was a non-nuclear military installation. Syria reiterated its commitment to uphold its safeguards obligations and to cooperate with the IAEA to resolve the questions that had been raised.

TREATY ON OPEN SKIES

The Treaty on Open Skies establishes a regime for the conduct of unarmed observation flights by States Parties over the territories of other States Parties. States Parties are allowed to utilize four types of sensors (optical panoramic and framing cameras, video cameras with real-time display, infra-red line-scanning devices, and sideways-looking synthetic aperture radar) during the observation flights. The Treaty was signed at Helsinki on March 24, 1992. The Treaty entered into force on January 1, 2002, and is of unlimited duration. As of December 31, 2011, 34 States Parties had signed and ratified the Treaty on Open Skies (Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russia, the Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom, and the United States). The Open Skies Consultative Commission (OSCC) met only once in 2011 in formal session due to disagreement between Turkey and Greece about the status and treatment of an application for accession to the Treaty by Cyprus. This has prevented adoption of an agenda and thereby inhibited discussion and resolution of compliance issues that would normally come before the Commission. Despite this impasse, discussion of relevant issues took place in informal and bilateral meetings, including a detailed review of implementation issues with Russia in Moscow in June, 2011.

This Report discusses two compliance issues involving the Russian Federation from January 1, 2011 to December 31, 2011.

COUNTRY ASSESSMENTS

RUSSIAN FEDERATION

FINDING – AIRSPACE RESTRICTIONS

Throughout 2011, Russia continued to restrict access to three areas: over Chechnya and nearby areas of southwestern Russia; in a 39 kilometer by 31 kilometer area over the center of Moscow – an area known by Russian air traffic control as UUP-53 (formerly UUP-33) -- below 3,600 meters altitude; and within a ten-kilometer corridor along the border of Russia with the Georgian regions of South Ossetia and Abkhazia.

Russia imposed restrictions over and near Chechnya in 2002 due to conflict in the area and purported safety of flight considerations; the restrictions remain in place, but no State Party has attempted to conduct an observation flight over Moscow below 3,600 meters due to claims of safety concerns. Russia also prohibits flight over Russia within 10 kilometers of the border regions of South Ossetia and Abkhazia, claiming that South Ossetia and Abkhazia are independent states not party to the Treaty. The Open Skies Treaty prohibits flight paths within 10 kilometers of the borders of states not party to the Treaty. No other party to the Open Skies

Treaty agrees with the Russian position on the status of the Georgian regions of South Ossetia and Abkhazia.

BACKGROUND

Analysis completed by United States Open Skies experts confirmed that UUP-53 was large enough to prevent States Parties from observing portions of the area if observation flights are flown in accord with Russians restrictions, even with wide field-of-view panoramic cameras. Furthermore, these restrictions do not allow the certified sensors of Open Skies aircraft of other States Parties to operate at the minimum sensor altitudes permitted by Paragraphs 1 and 2 of Treaty Article IV. The United States is able to obtain Treaty-allowed resolution imagery of the territory under UUP-53 airspace using one of its higher-altitude cameras, weather permitting. However, the United States is still not able to exercise its right to use the KS-87E framing camera to obtain the Treaty-allowed resolution imagery of areas within the UUP-53 prohibited area. Further, the United States is deprived of the ability to obtain Treaty-permitted imagery of areas within UUP-53 utilizing the Open Skies aircraft of other States Parties operated through lease arrangements or in shared observations flights.

Georgia is a State Party to the Treaty, and the regions of South Ossetia and Abkhazia were recognized as part of Georgia by all States Parties, including Russia until 2008. All States Parties except Russia continue to regard the regions of South Ossetia and Abkhazia as Georgian territory. In 2009, Russia invoked the 10-kilometer exclusion contained in Section II, Paragraph 2 of Article VI and declared that it would not allow flights by any States Parties within the 10-kilometer corridor of Russia where it borders the regions of South Ossetia and Abkhazia, on the basis that it considers South Ossetia and Abkhazia as independent countries that are not parties to the Treaty.

Compliance Discussions

These issues have been raised by the United States, Canada, Romania, and others multiple times in the Open Skies Consultative Commission (OSCC), as well as at the 2011 U.S.-Russian bilateral consultations and have not been resolved. Georgian representatives regard the Russian invocation of the 10-kilometer rule as a violation of Georgian sovereignty and are seeking future Russian compliance with this Treaty provision. The United States continues to utilize the OSCC and diplomatic means to highlight the negative impact of these airspace restrictions, with the goal of Russia removing all airspace restrictions that preclude Treaty-permitted imaging of areas within UUP-53 and improperly impose the 10-kilometer exclusion corridor along portions of the Russo-Georgian border.

FINDING – FIRST GENERATION DUPLICATE NEGATIVE FILM

Russia continued to be unable to provide a first generation duplicate negative of processed photographic film from Open Skies flights.

BACKGROUND

Consistent with the rights established in Sections II and IV of Article IX of the Treaty, the United States has requested that Russia provide duplicate negative film of imagery collected during Russian observation flights over the United States. However, in each case, Russia was able to provide only duplicate positive film because its media processing facility was not capable of producing a first generation duplicate negative.

Compliance Discussions

During the reporting period, there were no compliance discussions with Russia on this issue.

PART IV: OTHER NATIONS' (INCLUDING SUCCESSOR STATES') COMPLIANCE WITH THEIR INTERNATIONAL COMMITMENTS

MISSILE NONPROLIFERATION COMMITMENTS

The Missile Technology Control Regime (MTCR) and the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOG; originally known as the International Code of Conduct Against Ballistic Missile Proliferation (ICOC)) are the key multilateral mechanisms addressing the proliferation of missiles and missile-related technology. In addition, the United States holds frequent bilateral discussions on nonproliferation issues, often with states that are not members of or parties to multilateral regimes. The United States has sought and received separate, bilateral political nonproliferation commitments from nations to limit their missile proliferation activities that are addressed below.

Missile Technology Control Regime. The MTCR is a voluntary arrangement among Partner countries sharing a common interest in controlling missile proliferation. The MTCR is not a treaty and it does not impose legally binding obligations on participating countries. Rather, it is an informal political understanding among states that seek to limit the proliferation of missiles and missile technology. The MTCR Partners control exports of a common list of controlled items (the MTCR Equipment, Software, and Technology Annex, also referred to as the MTCR Annex) according to a common export control policy (the MTCR Guidelines). The Guidelines and Annex are implemented according to each country's national legislation and regulations. Membership in the MTCR has grown steadily since the Regime's creation in 1987, and 34 countries are now members.

Hague Code of Conduct Against Ballistic Missile Proliferation. On November 25, 2002, the HCOG was launched in The Hague, Netherlands. As of December 31, 2011, a total of 134 countries had subscribed to the HCOG, with three new members, the Central African Republic, the Republic of Congo, and Singapore joining since the last Compliance Report. The HCOG intends to create a widely subscribed international predisposition against ballistic missile proliferation. The Code consists of a set of broad principles, general commitments, and modest confidence-building measures. It is a voluntary political commitment, not a treaty, and is open to all countries. The Code is intended to supplement, not supplant, the MTCR.

COUNTRY ASSESSMENTS

CHINA

FINDING

In 2011, Chinese companies continued to supply missile programs in countries of concern. The United States notes that China made a November 2000 Commitment not to assist *“in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons (i.e., missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers).”*

LIBYA

FINDING

Prior to the collapse of the Qadhafi regime in 2011, available information indicates Libya was acting consistently with the commitment it made publicly in December 2003 that Libya would *“limit itself to missiles of range standards agreed upon in the MTCR control system.”*

MORATORIA ON NUCLEAR TESTING

By September 1996, each of the nuclear-weapon States (NWS) under the NPT (China, France, the Russian Federation, the United Kingdom, and the United States) had declared a nuclear testing moratorium and had signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which has not yet entered into force. The scope of each moratorium has not been publicly defined. While it is difficult to assess the compliance of a given state with its own moratorium, when the scope or meaning of a moratorium is unclear, U.S. assessments are based on the U.S. position of what constitutes a nuclear explosive test moratorium.