

Table of Contents

CHAPTER 19	640
Arms Control, Disarmament, and Nonproliferation	640
A. GENERAL	640
B. NUCLEAR NONPROLIFERATION	643
1. Non-Proliferation Treaty (“NPT”).....	646
<i>a. Fourth P5 Conference</i>	646
<i>b. NPT Preparatory Committee</i>	649
2. Comprehensive Nuclear Test Ban Treaty	657
3. Fissile Material Cut-off Treaty	659
4. Nuclear Security.....	661
5. Nuclear Safety.....	664
6. Country-Specific Issues	666
<i>a. Democratic People’s Republic of Korea (“DPRK” or “North Korea”)</i>	666
<i>b. Iran</i>	672
<i>c. Russia</i>	674
<i>d. Republic of Korea</i>	677
<i>e. Taiwan</i>	680
<i>f. Arrangement with Lithuania on Cooperation in Countering Nuclear Smuggling</i>	681
C. G8 GLOBAL PARTNERSHIP	681
D. IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1540	684
E. PROLIFERATION SECURITY INITIATIVE	685
F. CHEMICAL AND BIOLOGICAL WEAPONS	686
1. Chemical Weapons	686
2. Biological Weapons	702
G. BALLISTIC MISSILE DEFENSE	703
H. NEW START TREATY	707
I. TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE AND TREATY ON OPEN SKIES	707
J. ARMS TRADE TREATY	710
Cross References	715

CHAPTER 19

Arms Control, Disarmament, and Nonproliferation

A. GENERAL

On June 19, 2013, President Obama announced the U.S. intention to pursue additional reductions in U.S. and Russian deployed strategic nuclear weapons in a speech delivered at the Brandenburg Gate in Berlin, Germany. The Berlin speech followed up on the President's 2009 speech in Prague. See *Digest 2009* at 761-64. Excerpts follow from President Obama's Berlin speech, which is available in full at www.whitehouse.gov/the-press-office/2013/06/19/remarks-president-obama-brandenburg-gate-berlin-germany.

* * * *

We may no longer live in fear of global annihilation, but so long as nuclear weapons exist, we are not truly safe. We may strike blows against terrorist networks, but if we ignore the instability and intolerance that fuels extremism, our own freedom will eventually be endangered. We may enjoy a standard of living that is the envy of the world, but so long as hundreds of millions endure the agony of an empty stomach or the anguish of unemployment, we're not truly prosperous.

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Peace with justice means pursuing the security of a world without nuclear weapons—no matter how distant that dream may be. And so, as President, I've strengthened our efforts to stop the spread of nuclear weapons, and reduced the number and role of America's nuclear weapons. Because of the New START Treaty, we're on track to cut American and Russian deployed nuclear warheads to their lowest levels since the 1950s.

But we have more work to do. So today, I'm announcing additional steps forward. After a comprehensive review, I've determined that we can ensure the security of America and our allies, and maintain a strong and credible strategic deterrent, while reducing our deployed strategic nuclear weapons by up to one-third. And I intend to seek negotiated cuts with Russia to move beyond Cold War nuclear postures.

At the same time, we'll work with our NATO allies to seek bold reductions in U.S. and Russian tactical weapons in Europe. And we can forge a new international framework for peaceful nuclear power, and reject the nuclear weaponization that North Korea and Iran may be seeking.

America will host a summit in 2016 to continue our efforts to secure nuclear materials around the world, and we will work to build support in the United States to ratify the Comprehensive Nuclear Test Ban Treaty, and call on all nations to begin negotiations on a treaty that ends the production of fissile materials for nuclear weapons. These are steps we can take to create a world of peace with justice.

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Coinciding with President Obama's speech in Berlin, the White House released a fact sheet on the nuclear weapons employment strategy of the United States in which the President's new guidance is explained. The fact sheet is excerpted below and available at www.whitehouse.gov/the-press-office/2013/06/19/fact-sheet-nuclear-weapons-employment-strategy-united-states.

* * * *

Following the release of the 2010 Nuclear Posture Review (NPR) and ratification of the New START Treaty, the President directed the Department of Defense (DOD), the Department of State, Department of Energy, and the intelligence community, to conduct a detailed analysis of U.S. nuclear deterrence requirements and policy in order to ensure U.S. nuclear posture and plans are aligned to address today's security environment. This review was based on the principle that a robust assessment of today's security environment and resulting Presidential guidance must drive nuclear employment planning, force structure, and posture decisions.

The President's new guidance:

- affirms that the United States will maintain a credible deterrent, capable of convincing any potential adversary that the adverse consequences of attacking the United States or our allies and partners far outweigh any potential benefit they may seek to gain through an attack.
- directs DOD to align U.S. defense guidance and military plans with the policies of the NPR, including that the United States will only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or its allies and partners. The guidance narrows U.S. nuclear strategy to focus on only those objectives and

missions that are necessary for deterrence in the 21st century. In so doing, the guidance takes further steps toward reducing the role of nuclear weapons in our security strategy.

- directs DOD to strengthen non-nuclear capabilities and reduce the role of nuclear weapons in deterring non-nuclear attacks.
- directs DOD to examine and reduce the role of launch under attack in contingency planning, recognizing that the potential for a surprise, disarming nuclear attack is exceedingly remote. While the United States will retain a launch under attack capability, DOD will focus planning on the more likely 21st century contingencies.
- codifies an alternative approach to hedging against technical or geopolitical risk, which will lead to more effective management of the nuclear weapons stockpile.
- reaffirms that as long as nuclear weapons exist, the United States will maintain a safe, secure and effective arsenal that guarantees the defense of the U.S. and our allies and partners. The President has supported significant investments to modernize the nuclear enterprise and maintain a safe, secure, and effective arsenal. The administration will continue seeking congressional funding support for the enterprise.

After a comprehensive review of our nuclear forces, the President has determined that we can ensure the security of the United States and our allies and partners and maintain a strong and credible strategic deterrent while safely pursuing up to a one-third reduction in deployed strategic nuclear weapons from the level established in the New START Treaty. The U.S. intent is to seek negotiated cuts with Russia so that we can continue to move beyond Cold War nuclear postures.

This analysis did not set out to address weapons forward deployed in Europe in support of NATO. The role of nuclear weapons in NATO was examined as part of the last year's Deterrence and Defense Posture Review, which affirmed Allies' support for further U.S.-Russian nuclear reductions, and underscored that any changes in NATO's nuclear posture must be an Alliance decision.

As we continue to implement the NPR, we are focused on maintaining and improving strategic stability with both Russia and China.

In sum, this review was essential to advance the policies laid out in the NPR. The resulting strategy will maintain strategic stability with Russia and China, strengthen regional deterrence, and reassure U.S. allies and partners, while laying the groundwork for negotiations with Russia on how we can mutually and verifiably reduce our strategic and nonstrategic nuclear stockpiles and live up to our commitments under the Nuclear Nonproliferation Treaty.

The President has directed DOD to use the new guidance to begin the process of updating and aligning its directives and contingency plans in order for this policy to be implemented over the course of the next year.

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B. NUCLEAR NONPROLIFERATION

On April 25, 2013, Acting Under Secretary for Arms Control and International Security Rose Gottemoeller* addressed the spring meeting of the American Bar Association International Law Section in Washington, DC. Her remarks, excerpted below, are available at www.state.gov/t/us/208078.htm.

* * * *

The grand bargain of the NPT, where nuclear weapon states pursue disarmament, non-nuclear weapon states abstain from the pursuit of nuclear weapons and all countries are able to access the benefits of peaceful nuclear energy, sets an enduring standard that is as relevant today as it was at the Treaty's inception. For over forty years, the regime has bent and frayed in places, but it has never broken or collapsed. It has slowed the tide of proliferation; it has facilitated cooperation among its States Parties; and it has institutionalized the norms of nonproliferation and disarmament.

There have been a number of important arms control and nonproliferation treaties negotiated and ratified since then—some of the most far-reaching were conceived by the Reagan Administration. Past brave leaders in the Executive Branch Administration and in Congress doggedly sought out international arrangements that drove the levels of nuclear weapons in the world down by the tens of thousands. Each dismantled weapon was one that could never be used by a terrorist or a rogue state. That work also had tangible benefits to our foreign policy writ large. Our treaty-based arms control interactions with the Soviets paved the way for dialogue on other issues, as well.

The United States believes that the NPT and other treaties have allowed us to make great strides in disarmament and nonproliferation objectives since 2010, but we still have far to go.

To fulfill our disarmament goals, the New START Treaty was an excellent step, but only one step among others to be taken. It is very satisfying to see how pragmatic, business-like and positive its implementation has been so far. I have actually just returned from Geneva, where Russian Defense Minister Anatoly Antonov—my counterpart during the New START negotiations—and I gave a briefing on the Treaty's implementation at the NPT PrepCom. That briefing is available on the State website.

The concrete measures that the United States and Russian Federation are taking to reduce nuclear weapons are measurable and significant and have set an essential foundation for pursuing additional measures in keeping with our Article VI commitments under the Non-Proliferation Treaty.

So now it is time for the next step; we should get back to the table. President Obama made it clear when he signed New START that the United States would pursue discussions with the Russian Federation on reductions in all categories of nuclear weapons—strategic, non-strategic, deployed and non-deployed.

* Editor's note: Rose E. Gottemoeller was sworn in as Under Secretary for Arms Control and International Security on March 7, 2014. She had served as Acting in this position since February 7, 2012.

As the President said in Seoul in 2012, we can already say with confidence that we have more nuclear weapons than we need. We can ensure the security of the United States and our allies, maintain a strong deterrent against any threat to ourselves and our allies, and still pursue further reductions in our nuclear arsenal.

While I know that the next steps in reductions with Russia attract a lot of attention, I don't think that people pay nearly enough attention to our ongoing engagement with other P5 states on disarmament-related matters. We were in Geneva just last week for our fourth P5 meeting on these issues. Senior officials from China, France, Great Britain, Russia and the United States have had constructive talks on a number of issues, including NPT reporting, safeguards and verification technologies, spanning P5 commitments under the NPT and the 2010 Review Conference Action Plan.

In short, we have come a long way since our first meeting in London in 2009 and are moving beyond discussions around a conference table. We are beginning to engage at expert levels on some important arms control issues. For example, the Chinese Delegation has taken the lead on the nuclear definitions and terminology working group for the P5. I think that project is going to yield some really interesting discussions—such as considering what defines a strategic or nonstrategic nuclear weapon. I know that sounds a little dull to people, but a room full of lawyers can surely appreciate the importance of defining terms and developing a shared understanding of concepts.

Beyond bilateral treaties, ratification and entry into force of the Comprehensive Nuclear Test-Ban Treaty (CTBT) remains a top priority for the United States. As stated in the April 2010 U.S. Nuclear Posture Review: “Ratification of the CTBT is central to leading other nuclear weapons states toward a world of diminished reliance on nuclear weapons, reduced nuclear competition, and eventual nuclear disarmament.”

The Administration thanks the International Law Section for its work on the ABA Resolution in support of the ratification of the CTBT. We hope for your support going forward, and appreciate your partnership.

As we look towards ratification we will continue to engage Congress. I like to think of our efforts thus far as an “information exchange.” There are no set timeframes to bring the Treaty to a vote, and we are going to be patient, but we will also be persistent.

While we pursue ratification at home, the Administration has been calling on the remaining Annex 2 States to join us in moving forward toward ratification. There is no reason to wait on us. An in-force CTBT benefits all nations.

We also remain committed to launching negotiations on a Fissile Material Cutoff Treaty (FMCT). An FMCT is a logical and absolutely essential next step in the path towards global nuclear disarmament.

The Conference on Disarmament (CD) remains our preferred venue for negotiating an FMCT, since it includes every major nuclear-capable state and operates by consensus. Nonetheless, we are more concerned with getting negotiations started than we are with the venue. So long as our principles are met, that negotiations be governed by consensus, include the key states, and be based on the so-called Shannon Mandate, we are prepared to move forward.

We will continue to press this issue. Our focus has been to find a way to convince others that commencement of negotiations is not something to fear. Consensus-based negotiations allow all to protect their vital national security interests. To those for whom the continued existence of the CD is vital, I say come to the negotiating table and get to work, while we still have a table from which to work.

Pivoting to nonproliferation issues, despite our past and recent successes, there are very pressing challenges all around us and on the horizon. Most critically, we have grave concerns about the actions of a few countries. North Korea, Iran and Syria have consistently violated their NPT obligations and have failed to take the steps necessary to rectify these violations. The United States is deeply concerned about all of these programs, as I am sure is the case for everyone in this room. These transgressions threaten international security and undermine confidence in the nonproliferation regime. They also stand directly in the way of our shared disarmament goals.

The United States is committed to supporting and strengthening the nonproliferation obligations of the NPT. Nonproliferation is the fundamental purpose of the NPT, which supports and draws strength from the other pillars of disarmament and peaceful uses of nuclear energy. The Treaty's pillars are mutually reinforcing and only by ensuring the strength of all three can we lay the groundwork for the peace and security of a world free from the threat of nuclear catastrophe.

The United States will continue to lead efforts to ensure member states fully comply with their NPT obligations, to ensure that there are costs for non-compliance with the Treaty, and to strengthen IAEA safeguards to account for evolving proliferation challenges.

An important goal we share with the international community is the achievement of a Middle East zone free of all weapons of mass destruction. The United States stands ready to help facilitate discussions among states in the region at the proposed Helsinki conference. The United States continues to fully support this goal. But we do so recognizing that the mandate for a zone can only come from within the region; it cannot be imposed from outside or without the consent of all concerned states. We remain committed to working with our partners and the states in the region to create conditions for a successful dialogue.

Another immediate concern is securing vulnerable nuclear materials in order to keep them out of the hands of terrorists. Under President Obama's direction, we have held two Nuclear Security Summits, with a third to take place in The Hague next year. In anticipation of the Hague Summit in 2014, we will continue to build on pledges that are resulting in more material secured, removed and eliminated.

The United States is also working to update the legal framework for cooperative threat reduction (CTR) activities with the Russian Federation. We have been working closely with Russia over the past year to continue our cooperation under an updated legal framework that reflects our maturing bilateral partnership and allows us to build on the achievements made under the expiring CTR agreement.

The past success of CTR gives us a lot to be proud of and we aim to continue this success. As President Obama said, "missile by missile, warhead by warhead, shell by shell,

we're putting a bygone era behind us." We are working hard to advance continued U.S.-Russian cooperation in nonproliferation and arms control.

The United States has also recently worked with the international community to negotiate the Arms Trade Treaty (ATT), aimed at stemming the illicit trade in conventional arms and reducing the risk that such arms will be used to carry out the world's worst crimes. The ATT aims to bring other countries closer to the high standard set by U.S. import and export control systems. There is nothing in the treaty that is inconsistent with the rights of U.S. citizens – including the Second Amendment – impedes the legitimate international arms trade, or requires changes to U.S. laws or practices. We appreciate the ABA's white paper on this particular Treaty and will value the chance to work with you in the future.

* * * *

1. Non-Proliferation Treaty ("NPT")

a. *Fourth P5 Conference*

In 2013, the permanent five members of the UN Security Council, or P5 (China, France, Great Britain, Russia, and the United States), continued to confer in preparation for the 2015 NPT Review Conference. After their fourth conference on April 18-19 in Geneva, Switzerland, the P5 issued a joint statement, available at www.state.gov/r/pa/prs/ps/2013/04/207768.htm, and excerpted below.

* * * *

The five Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states, or "P5," met in Geneva on April 18-19, 2013 under the chairmanship of the Russian Federation to build on the 2009 London, 2011 Paris, and 2012 Washington P5 conferences. The P5 reviewed progress towards fulfilling the commitments made at the 2010 NPT Review Conference, and continued discussions on issues related to all three pillars of the NPT—non-proliferation, the peaceful uses of nuclear energy, and disarmament, including confidence-building, transparency, and verification experiences. The P5 also had a positive exchange with representatives of civil society during the Geneva P5 Conference.

The P5 reaffirmed their commitment to the shared goal of nuclear disarmament and general and complete disarmament as provided for in Article VI of the NPT, and emphasized the importance of continuing to work together in implementing the 2010 NPT Review Conference Action Plan. The P5 reviewed the outcome of the 2012 Preparatory Committee for the 2015 NPT Review Conference, and significant developments in the context of the NPT since the 2012 Washington P5 Conference. They assessed issues relating to strategic stability and international security, and exchanged views concerning prospects for further steps to promote dialogue and mutual confidence in this area, including in a multilateral format.

In addition, the P5 welcomed a briefing by the Russian Federation and the United States on the ongoing implementation of the New START Treaty and its success to date. The P5 were also briefed by the Russian Federation and the United States on the joint 2012 inspection in Antarctica conducted pursuant to the Antarctic Treaty of 1959 and its Environmental Protocol. This joint inspection included verification that the international stations are implementing relevant environmental rules and that facilities are used only for peaceful purposes. The P5 shared views on objectives for the 2013 Preparatory Committee, the intersessional period thereafter, and looked ahead to the 2014 Preparatory Committee and 2015 Review Conference.

The P5 discussed the latest developments in the area of multilateral disarmament initiatives including the situation at the Conference on Disarmament. They expressed their shared disappointment that the Conference on Disarmament continues to be prevented from agreeing on a comprehensive program of work, including work on a legally binding, verifiable international ban on the production of fissile material (FMCT) for use in nuclear weapons, and discussed efforts to find a way forward in the Conference on Disarmament, including by continuing their efforts with other relevant partners to promote such negotiations within the CD. The P5 reiterated their support for the immediate start of negotiations on a treaty encompassing such a ban in the Conference on Disarmament. They noted the Group of Governmental Experts (GGE) on FMCT, and expressed the hope that its work will help spur negotiations in the Conference on Disarmament. The P5 reaffirmed the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressed the continued validity of this proven route. In this context, they also emphasized their shared understanding of the serious consequences of nuclear weapon use and that the P5 would continue to give the highest priority to avoiding such contingencies.

The P5 advanced their previous discussions of an approach to reporting on their relevant activities across all three pillars of the NPT Action Plan at the 2014 NPT Preparatory Committee Meeting, consistent with the NPT Action Plan, and resolved to continue working on this issue under France's leadership. They plan to continue their discussions in multiple ways within the P5 with a view to reporting to the 2014 PrepCom, consistent with their commitments under Actions 5, 20, and 21 of the 2010 RevCon Final Document. They welcomed the progress made on the development of the P5 glossary of key nuclear terms under China's leadership and discussed next steps. They stressed the importance of this work, which will increase P5 mutual understanding and facilitate further P5 discussions on nuclear matters. The P5 reaffirmed their objective to submit a P5 glossary of key nuclear terms to the 2015 NPT Review Conference. The P5 are working toward the establishment of a firm foundation for mutual confidence and further disarmament efforts. They shared further information on their respective bilateral and multilateral experiences in verification and resolved to continue such exchanges.

The P5 recalled their Joint Statement of 3 May 2012 at the Preparatory Committee of the NPT Review Conference and pledged to continue their efforts in different formats and at various international fora to find peaceful diplomatic solutions to the outstanding problems faced by the non-proliferation regime. They reiterated their call on the states concerned to fulfill without delay their international obligations under the appropriate UN Security Council resolutions, undertakings with the International Atomic Energy Agency (IAEA), and other appropriate

international commitments. In the context of the nuclear test conducted by the DPRK on 12 February 2013 and the continued pursuit of certain nuclear activities by Iran, both contrary to the relevant UN Security Council resolutions and IAEA Board of Governors resolutions, the P5 reaffirmed their concerns about these serious challenges to the non-proliferation regime.

The P5 underlined the fundamental importance of an effective IAEA safeguards system in preventing nuclear proliferation and facilitating cooperation in the peaceful uses of nuclear energy. The P5 stressed the need for strengthening IAEA safeguards including through the promotion of the universal adoption of the Additional Protocol and the development of approaches to IAEA safeguards implementation based on objective state factors. They also discussed the role of the P5 in assisting the IAEA in cases involving possible detection of nuclear weapon programs in non-nuclear weapons states (NNWS) in conformity with the provisions of the NPT.

The P5 continued their previous discussions of efforts to achieve the entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), and reviewed the recent UK-hosted P5 Experts Meeting on CTBT, at which the P5 identified a number of areas for future P5 collaboration and decided to pursue further intersessional work, in particular ahead of the Integrated Field Exercise in 2014. The P5 called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosions, and to refrain from acts that would defeat the object and purpose of the Treaty pending its entry into force.

The P5 shared their views on how to prevent abuse of NPT withdrawal (Article X). The discussion included modalities under which NPT States Party could respond collectively and individually to a notification of withdrawal, including through arrangements regarding the disposition of equipment and materials acquired or derived under safeguards during NPT membership. They resolved to make efforts to broaden consensus among NPT States Party on the latter issue at the 2014 PrepCom, thus making a further contribution to the NPT Review Process.

The P5 reiterated the importance of the implementation of the 2010 NPT Review Conference decisions related to the 1995 Resolution on the Middle East, in particular those related to the convening of a conference to be attended by all the States of the Middle East on the establishment of the Middle East zone free of nuclear weapons and all other weapons of mass destruction on the basis of arrangements freely arrived at by the states of the region. They underlined their support for all States concerned, making all efforts necessary for the preparation and convening of the Conference in the nearest future. They also reiterated their full support to the ongoing efforts of the facilitator.

The P5 reviewed their efforts to bring about the entry into force of the relevant legally binding protocols of nuclear-weapon-free zone treaties. They reaffirmed their view that establishment of such zones helps to build confidence between nuclear and non-nuclear weapon states, enhance regional and international security, and reinforce the NPT and the international nuclear non-proliferation regime. They reaffirmed their readiness to sign the Protocol to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone as soon as possible. They underlined the importance of holding consultations, including on the margins of the Second PrepCom, with the States Party to the Treaty on a Nuclear Weapon-Free-Zone in Central Asia. They noted also

the parallel declarations, adopted by the P5 and Mongolia concerning Mongolia's nuclear-weapon-free status, at the United Nations headquarters in New York on 17 September 2012.

The P5 pledged to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. The P5 plan to follow up their discussions and hold a fifth P5 conference in 2014.

* * * *

b. NPT Preparatory Committee

The Second Session of the Preparatory Committee for the 2015 NPT Review Conference met in Geneva in April 2013. On April 22, 2013, Assistant Secretary of State Thomas Countryman delivered a statement for the U.S. delegation that includes opening remarks from Secretary of State John Kerry. Mr. Countryman's remarks are excerpted below and available at www.state.gov/t/isn/npt/207859.htm.

* * * *

I would like to begin my remarks by reading a message from Secretary of State John Kerry to the 2013 NPT Preparatory Committee:

On behalf of the United States, please accept my hopes for and personal commitment to a successful and productive meeting of the preparatory committee for the 2015 Review Conference of the Nuclear Non-proliferation Treaty (NPT).

This summer, we celebrate the 45th anniversary of the signing of the NPT. Although conceived in a different era when the hands of the Doomsday Clock pointed precariously towards disaster, the treaty's goal of preventing the proliferation of nuclear weapons remains no less relevant today. This is why, in 2009, President Obama reaffirmed our nation's support for the treaty and called on all countries to join us in working to secure the peace and security of a world free of the threat of nuclear catastrophe.

The President's agenda is rooted in the interest almost all of us share in preserving the treaty as a basis for global cooperation. We will continue to do our part by taking action to reduce the number of nuclear weapons, their roles, and the likelihood of their use. At the same time, we will work to strengthen international safeguards and encourage peaceful uses of nuclear energy by states that meet their obligations. In response to those who abuse the treaty, we will continue to insist that violations be confronted with the urgency they require. A treaty that is universally followed will best advance international security and nuclear energy's contribution to peace, health, and prosperity.

I wish this conference well and offer my hope for a productive discussion that builds on the consensus action plan approved by the 2010 NPT Review Conference and that puts us on a path to success in 2015.

Mr. Chairman, we share the view of many here that agreement on the 2010 Action Plan was an important achievement. It was not only the first of its kind in the NPT's history, but it reset the NPT and each of its three pillars at the center of efforts to build a safer world: one in which the barriers to nuclear proliferation remain high; violators are held accountable; and progress to reduce nuclear weapons, contain risks of nuclear terrorism, and expand peaceful uses of nuclear energy is not only possible but underway. This is the direction we seek. It is one that we believe all NPT parties should support and which will keep us on course toward our ultimate goal of achieving the peace and security of a world without nuclear weapons.

Some may argue that the Action Plan is not perfect. We agree; it does not reflect every U.S. priority and others view it similarly from their perspective. Imperfection is to be expected given the complexities of a multilateral negotiation among the Treaty's diverse membership. But even an imperfect document is still valuable. And in this instance, the NPT membership should take pride in having adopted a forward-looking set of principles and commitments that so clearly reinforce the NPT and its underlying purposes.

Progress on the Action Plan should naturally be the subject of review by NPT parties. We encourage such a review, and a dialogue that is balanced, addressing all action items and each of the Treaty's three pillars; substantive; candid; and pursued with the aim of preserving collective support for the Treaty as an instrument of security.

Disarmament

The United States acknowledges its special responsibility to work toward nuclear disarmament and to help create the conditions for a world without nuclear weapons. President Obama has made clear our unequivocal support for this goal. It will not be achieved overnight or absent further improvements in the international security environment. But as our President has said, we must continue this journey with concrete steps.

Mr. Chairman, the United States is making good on that pledge. We are reducing the role and numbers of nuclear weapons in our national security strategy. We have committed not to develop new nuclear warheads or pursue new military missions for nuclear weapons. We are implementing the New START Treaty with Russia that will reduce deployed nuclear warheads to levels not seen since the 1950s—more than a decade before the NPT entered into force. President Obama has committed the United States to pursue still deeper cuts. And let me be clear: We share concerns about the profound and serious consequences of nuclear weapons use and have articulated our deep and abiding interest in extending forever the 68-year record of non-use. And we will continue our diligent work with our P5 partners to meet our commitments under the Action Plan.

Nonproliferation

Let me state clearly that disarmament is not an obligation limited to the five nuclear-weapon states. It will require action by all NPT Parties, who collectively share a responsibility to support the nonproliferation regime and ensure its rules are robust and fully respected.

The Action Plan makes clear the importance of resolving all cases of noncompliance with IAEA safeguards. The United States regards noncompliance by Iran and Syria as the most serious threat to the integrity and relevance of the nonproliferation regime. NPT Parties must stand shoulder-to-shoulder in demanding these governments return to full compliance with the NPT, consistent with their international obligations. We will comment later in the Conference on North Korea's dangerous challenge to regional peace. States must be held accountable for their violations of the Treaty or for abusing the withdrawal provision. This should be of concern to all NPT Parties.

Looking forward, we must ensure the IAEA continues to have the resources and authorities it needs to verify peaceful nuclear uses in conformity with Article III of the Treaty. A system of IAEA safeguards that enjoys broad political support and is technically sound benefits the security of all NPT Parties. It demonstrates to everyone the commitment not to pursue nuclear weapons and makes peaceful nuclear cooperation possible. So we will continue working with Parties to gain acceptance of the Additional Protocol, along with a Comprehensive Safeguards Agreement, as the standard for NPT verification and encourage further IAEA work to strengthen safeguards implementation so that the international community can be assured that a state's nuclear activities are entirely peaceful.

The United States also wishes to highlight the indispensable role of nuclear security and prevention of nuclear terrorism in advancing our nonproliferation goals. We have made great strides to address this threat through the Nuclear Security Summit process launched by President Obama in 2010 and look forward to expanding our partnerships, accelerating cooperation, and establishing durable institutions to carry on this vital work. The IAEA's International Conference on Nuclear Security this July will be an important gathering to advance this urgent priority.

Peaceful Uses

Mr. Chairman, when nuclear security and nonproliferation are reinforced, we are in a stronger position to promote the safe and responsible use of nuclear energy. We recognize the right of NPT Parties to access peaceful nuclear energy consistent with the Treaty's nonproliferation provisions. There is no more generous partner than the United States in technical cooperation. We contribute more than any single state to IAEA promotional programs that benefit the Treaty's non-nuclear weapon states, and pledged to provide \$50 million over five years to a new IAEA Peaceful Uses Initiative (PUI). More than 120 IAEA Member States have benefited from PUI assistance.

Nations will make their own choices about nuclear energy. But international cooperation can offer new and beneficial opportunities that empower those choices and ensure the safe, secure and peaceful use of nuclear energy. President Obama has called for new frameworks for civil nuclear cooperation, and my government supports the establishment of an IAEA fuel bank

and related measures to assure nuclear fuel supply and that contributes to the Treaty's nonproliferation goals.

Conclusion

Before closing, I would like to comment on efforts to hold a conference on a WMD-free zone in the Middle East, a subject on which the United States will have more to say later. I emphasize that the United States supports the goal of establishing a WMD-free zone in the Middle East and the convening of a conference involving all states in the region to discuss it. Although it proved not possible to meet in Helsinki last year, my government remains firmly committed to working with the Facilitator, the other conveners, and with all states in the region to take steps that will create conditions for a successful and meaningful conference. On that basis, we hope the relevant parties can agree to hold it soon. Reaching Helsinki, and success at Helsinki, will require the states of the region to engage with each other and I know that all State Parties support such engagement.

Mr. Chairman, the NPT remains the cornerstone of the nuclear nonproliferation regime and a basis for international nuclear cooperation. The regime has its challenges, but none are insurmountable and none are beyond discussion.

We look forward to a productive dialogue at this Preparatory Committee meeting. We will work together to ensure the Treaty's contributions to international peace and security are strengthened and endure. Thank you.

* * * *

The U.S. delegation participated in a session of the Preparatory Committee on security assurances on April 25, 2013. The remarks at that session by Jeffrey Eberhardt, Director of the Office of Multilateral and Nuclear Affairs in the Bureau of Arms Control, Verification and Compliance at the U.S. Department of State, are excerpted below and available at www.state.gov/t/isn/rls/rm/2013/208047.htm.

* * * *

Mr. Chairman, the United States recognizes the importance of security assurances to states that have forsworn nuclear weapons and that abide by their nuclear nonproliferation obligations. We would like to summarize once again the U.S. commitment to providing such assurances.

The United States released its Nuclear Posture Review in April 2010, after completing a comprehensive assessment of U.S. nuclear deterrence policy, strategy, and force posture. One result of that assessment was that the United States strengthened its long-standing negative security assurance associated with the Nuclear Non-Proliferation Treaty (NPT) in several ways.

Specifically, the 2010 Nuclear Posture Review declared that the United States will not use or threaten to use nuclear weapons against non-nuclear weapon States that are party to the

NPT and in compliance with their nuclear nonproliferation obligations. This revised assurance is intended to underscore the security benefits of adhering to and fully complying with the NPT.

Even for states not eligible for this assurance, the 2010 Nuclear Posture Review made clear that the United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or our allies and partners. It is in the U.S. interest and that of all nations that the nearly 68-year record of non-use of nuclear weapons be extended forever.

At their 2012 Chicago Summit, NATO Allies acknowledged the importance of the negative security assurances offered by the United States, the United Kingdom and France. The Allies further recognized the value that these statements can have in seeking to discourage nuclear proliferation.

Mr. Chairman, the United States also supports well-crafted nuclear-weapon-free zones (NWFZs) that are vigorously enforced and developed in accordance with the guidelines adopted by the United Nations Disarmament Commission. We are a Party to both Protocols to the Treaty of Tlatelolco, one of which provides a legally-binding negative security assurance. In recent years, the United States has worked toward extending legally binding negative security assurances by pursuing ratification of protocols to a number of other nuclear-weapon-free zone treaties. The United States has signed the Protocols to the African and South Pacific NWFZs, and the Obama Administration sent those Protocols to the U.S. Senate for its advice and consent. The nuclear-weapon States (or “P5”) and ASEAN have negotiated a revised Protocol to the Southeast Asia NWFZ (SEANWFZ) Treaty that resolved outstanding differences, and we hope that the Protocol signing can take place soon. The United States also remains committed to consulting with the Central Asia NWFZ (CANWFZ) Parties to reach an agreement that would allow the P5 to sign the Protocol to that treaty. A longer term goal is achievement of a Middle East zone free of all weapons of mass destruction. The United States supports the goal of a Middle East zone free of all weapons of mass destruction and remains committed to working actively with the facilitator, co-conveners and all states in the region, to create the conditions for a successful Helsinki Conference, an issue we will address further under Cluster II. Allow me to note that consistent with the UN Disarmament Commission guidelines, the mandate for any zone cannot be imposed from outside or without the consent of all concerned states.

Mr. Chairman, in closing, we recognize that NPT States that forgo nuclear weapons and are in compliance with their nuclear nonproliferation obligations have a legitimate interest in not being subject to nuclear threats or attacks. The strengthened U.S. negative security assurance announced in the 2010 Nuclear Posture Review, together with our support of nuclear-weapon-free zones, demonstrates an enduring commitment on the part of the United States to providing such negative security assurances. At the same time, it underscores the security benefits of adhering to and fully complying with the NPT and affirming the responsibility we all share to strengthen the nuclear nonproliferation regime.

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On April 29, 2013, Mr. Countryman again addressed the Preparatory Committee in Geneva, providing the U.S. statement on NPT regional issues, addressing in particular the Middle East. That statement is excerpted below and available at www.state.gov/t/isn/rls/rm/2013/208531.htm.

* * * *

The United States continues to support universal adherence to the Treaty, and we seek to further strengthen and uphold the Treaty. Developments in the Middle East continue to present challenges to the NPT and to our collective security.

The United States remains committed to convening a conference on a Middle East zone free of weapons of mass destruction. We regret that it proved impossible to meet last year as envisioned in the 2010 NPT Review Conference Final Document. This was not a breach of the Action Plan as some suggest—but it was a major disappointment. Still, we are not discouraged. We missed an important deadline—but we have not yet missed the opportunity to transform the security environment of the region.

In fact, unprecedented diplomatic efforts continue to be directed at making the conference a reality. But the responsibility to hold the conference does not fall solely to the Conveners and Facilitator. We remain prepared to assist in any way requested, but leadership must also come from the states of the region. They will be responsible for the big idea—creating the political and security conditions that would make a WMD-free zone an achievable concept. And they need to start now by showing creative thinking on a scale that is smaller, but big enough to get us to the first step, to Helsinki.

Direct engagement of the concerned parties is the pathway to a successful and meaningful conference. Participation in Helsinki of all regional states, as the Action Plan foresees, will only be possible if each State believes its key concerns can be addressed within the agenda of the Conference. And that agenda simply cannot be dictated from outside the region—it must be consensual among the States who must live with the agenda. To agree to dialogue, with the aim of reaching consensus on such an agenda, is not a concession. To impose pre-conditions on a dialogue serves only to delay its initiation, without changing its substance.

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This brings us to the important role of the Facilitator. The United States has full confidence in Ambassador Laajava and welcomes his report. Laajava is the most fair-minded, creative, and patient diplomat I know. His team has been untiring in an effort to take the first step on an initiative that has never been attempted on the planet, creation of a weapons-free zone in a region where both states and non-state actors daily use weapons, one against another. We agreed with his conclusion: before we can take a step to Helsinki, we need first to take one half-step—to direct multilateral consultations. We urge all states of the region to recognize the opportunity presented by these preparatory consultations and that they can be arranged soon. I continue to

believe that a conference could be held at an early date, within months, if there existed the political will of the relevant parties to reach consensus on an agenda and other arrangements for the conference.

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The United States is gravely concerned about the Iranian nuclear program. Iran is not just in violation of its international nuclear obligations, but is contemptuous of those obligations, and of the instruments that create those obligations: the United Nations Security Council, the IAEA Board of Governors, and the Non-Proliferation Treaty itself.

Since many undeclared elements of its nuclear program became public in 2002, Iran has yet to cooperate fully with the IAEA or negotiate seriously with the P5+1 to address the international community's legitimate concerns. As detailed in numerous reports by the IAEA Director General, the IAEA has credible information that raises serious concerns regarding possible military dimensions to Iran's nuclear program, including activities by Iran related to the development of a nuclear payload for delivery by a ballistic missile. The IAEA's findings, compounded by Iran's longstanding noncompliance with its international nuclear obligations, call into question Iran's stated claims that its nuclear program is exclusively peaceful. We are disappointed that Iran has missed numerous opportunities to address the international community's concerns.

Mr. Chairman, the United States does not dispute the right of states that comply with their nonproliferation obligations to pursue nuclear energy for peaceful purposes. Regrettably, Iran has persistently failed to respect multiple Security Council resolutions that Iran must cooperate with the IAEA and suspend its proliferation-sensitive nuclear activities, including uranium enrichment. As President Obama has stated, Iran can enjoy peaceful nuclear power while still meeting its international obligations and providing clear assurances to the international community that it is not pursuing a nuclear weapon.

With regard to Syria, it has been nearly two years since IAEA Director General Amano reported that the facility destroyed in 2007 at Dair Alzour was "very likely" a nuclear reactor that should have been declared to the Agency pursuant to Syria's safeguards agreement. Consequently, in June 2011 the IAEA Board of Governors found Syria in noncompliance with its safeguards agreement and, in accordance with the IAEA Statute, referred the matter to the UN Security Council. To date, Syria has not taken any concrete steps to address the outstanding serious questions about its clandestine nuclear activities. The Assad regime's brutal campaign of violence against the Syrian people and the resulting unrest cannot be an excuse for not cooperating with the IAEA. Syria remains obligated to remedy its noncompliance immediately and demonstrate a constructive approach in its relations with the IAEA and the international community.

Noncompliance should be a matter of serious concern to NPT Parties. As agreed in the 2010 Action Plan, it is vitally important that all NPT Parties support the resolution of all cases of noncompliance with IAEA safeguards and other nonproliferation requirements. The Treaty and the regime can only be as strong as the Parties' will to uphold the Treaty's integrity.

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On April 30, 2013, John Fox, Director of the Office for Multilateral Nuclear and Security Affairs, in the Bureau of International Security and Nonproliferation of the Department of State delivered the U.S. statement on peaceful uses of nuclear energy at the Preparatory Committee. Mr. Fox's statement appears below and is available at www.state.gov/t/isn/rls/rm/2013/208642.htm.

* * * *

I am very pleased to have the chance to speak today to reaffirm the commitment of the United States to promoting the peaceful uses of nuclear energy, as called for under Article IV of the Treaty. ...

The United States has consistently been a leader in providing financial, technical, and political support to strengthen this important pillar of the Treaty, including through bilateral agreements and our contributions to programs being implemented by the International Atomic Energy Agency (IAEA). U.S. support to the IAEA's Technical Cooperation program has been significant and long-standing. Last year, the United States contributed nearly 22 million dollars to the Technical Cooperation Fund (TCF), and we pledged over four million dollars in additional funding towards training, fellowships, and cost-free experts. We encourage all countries to meet their TCF obligations, which provide critical stability in the planning and implementation processes.

Over and above our TCF contributions, the United States in 2010 pledged \$50 million over five years to a new IAEA Peaceful Uses Initiative (PUI), and to work with others to match that pledge. PUI support provides the Agency with additional resources and flexibility to respond to urgent and unanticipated needs, such as monitoring radioactivity in the marine environment from the Fukushima accident and responding to sustained drought in the Sahel region.

The United States has now contributed nearly \$26 million to the PUI. This includes over \$2 million in new PUI funding to enhance nuclear infrastructure capacity building in states introducing or expanding nuclear power. And in the next several weeks we will commit additional PUI funding for projects on food safety in Latin America, sustainable uranium mining and milling in Africa, protection of the marine environment, and a pilot project to strengthen national capacities to interpret hydrological data and improve the sustainable use of water resources.

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The catastrophe at Fukushima in 2011 has not altered the underlying factors that have led to an increased interest in nuclear power, including increasing global demand for energy and concerns about climate change, energy security, and uncertainty about fossil fuel supplies. The

United States strongly supports the safe and secure expansion of nuclear power for NPT Parties that are in compliance with their obligations under the Treaty, and we look forward to participating in the upcoming International Ministerial Conference on Nuclear Power in the 21st Century in St. Petersburg. We appreciate the efforts of the IAEA, the Nuclear Energy Agency of the Organization for Economic Co-operation and Development, and Russia for organizing and hosting this important event.

Such conferences can usefully highlight the global scale of ongoing nuclear cooperation. For our part, the United States has in place bilateral nuclear cooperation agreements with 48 countries, the IAEA, and Taiwan, and we are negotiating others with States that share our commitment to peaceful uses of nuclear energy and nonproliferation. The global market for access to peaceful nuclear technology is robust and working: from 2009-2012, for example, U.S. exports to NPT Parties were valued at \$13.6 billion.

We also strongly support international efforts to develop multilateral approaches to the fuel cycle. This includes the IAEA fuel bank that has been funded through contributions from the United States, the EU, the UAE, Kuwait, Norway and the U.S. Nuclear Threat Initiative, as well as complementary initiatives approved by the IAEA Board of Governors. The United States also recently established the American Assured Fuel Supply, which is using over 17 metric tons of highly enriched uranium removed from military programs and down-blending it to low enriched uranium to be available to states facing an interruption in fuel supply. This serves as a powerful example of the mutually reinforcing nature of the NPT's pillars.

Such multilateral approaches to the fuel cycle will help facilitate implementation of Article IV, support our common goal of expansion of peaceful nuclear energy without increasing the risk of nuclear weapons proliferation, and reinforce the option of states to rely on the global market for their fuel service needs.

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2. Comprehensive Nuclear Test Ban Treaty

On September 27, 2013, the States Signatories to the Comprehensive Nuclear Test Ban Treaty ("CTBT") met in New York for a conference held in accordance with Article XIV of the Treaty to discuss concrete measures to facilitate the entry into force of the CTBT.

The Final Declaration of the conference is available at

www.ctbto.org/fileadmin/user_upload/Art_14_2013/Statements/Final_Declaration.pdf.

The statement of the United States, as delivered at the conference, is excerpted below and also available at

www.ctbto.org/fileadmin/user_upload/Art_14_2013/Statements/united_states.pdf.

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In June of this year, President Obama reaffirmed that “we will work to build support in the United States to ratify the Comprehensive Nuclear-Test-Ban Treaty.” The President’s words in Berlin underscore our policy, as stated in the 2010 Nuclear Posture Review, that “ratification of the CTBT is central to leading other nuclear weapons states toward a world of diminished reliance on nuclear weapons, reduced nuclear competition, and eventual nuclear disarmament.” The United States has observed a moratorium on nuclear explosive testing since 1992. Hence, even before the completed negotiation of the CTBT, the United States was in compliance with what would become the central prohibition of the treaty.

Furthermore, with a global ban on nuclear explosive tests in place, states interested in pursuing or advancing their nuclear weapons programs would have to either risk deploying weapons with uncertain effectiveness or face international condemnation, and possible sanctions, for conducting nuclear explosive tests.

A CTBT that has entered into force would further benefit national and international security by facilitating greater international cooperation on other arms control and nonproliferation priorities.

In the 17 years since the Treaty was opened for signature, the Provisional Technical Secretariat (PTS), and the States Signatories have made great strides in building out the Treaty’s verification regime. What was, nearly two decades ago, just a concept is now a nearly complete International Monitoring System (IMS) that has effectively demonstrated its capabilities under real-world conditions, detecting and helping states identify the three nuclear explosive tests conducted by North Korea over the past several years. In addition, following the Fukushima nuclear crisis, we saw how the IMS can be useful for non-verification related purposes, such as tsunami warnings and tracking radioactivity from reactor accidents.

In addition, the On-Site Inspection (OSI) element has developed into a useful tool that will be capable of conducting robust and effective inspections at entry into force. Next year’s Integrated Field Exercise, to be held in Jordan, is poised to demonstrate that capability and help ensure that an OSI capability is ready to go as soon as the Treaty enters into force.

The United States applauds the efforts of the Provisional Technical Secretariat (PTS) to plan and prepare for this exercise. We are interested particularly in testing how the integration of the various inspection techniques allowed under the Treaty will help provide States Parties with the most detailed and robust set of technical data and information on which to make a judgment of compliance with the Treaty.

With advancements in verification and the U.S. Stockpile Stewardship Program in mind, we have begun the process of engaging the American public. We know that the Treaty is not at the forefront of people’s minds these days and that it is very technical in nature. We want people to take their time and absorb and understand the rationale behind it. There are no set timeframes to bring the Treaty to a vote, and we are going to be patient, but we also will be persistent in our outreach efforts.

Of course, we do not expect people to be in receive-only mode, so we are eager to start a discussion. It is only through discussion and debate that we will work through questions and concerns about the Treaty.

Madame President, ladies and gentleman, the United States is committed to the CTBT and we want to see it enter into force, but we cannot do it alone. We call on all governments to declare or reaffirm their commitment not to test. The CTBT is in the security interest of every nation, so there is absolutely no reason for any other State to wait on us or any other Annex 2 State.

Before I conclude, I would like to congratulate Iraq for becoming the 161st nation to ratify the CTBT. Also, congratulations to Chad, Guinea-Bissau, Guatemala, Indonesia, and Brunei Darussalam, all of whom have ratified the Treaty since our last conference. Ratifying the CTBT provides a strong example of the positive leadership role all states can play in the global effort to prevent the spread of nuclear weapons. We call on the remaining Annex 2 States to move forward toward ratification.

This Administration realizes that this will be a difficult task on many levels, but it is nonetheless committed to building support for the CTBT. For our part, we will continue efforts to convince the Senate and the American people of what we know to be true: that the CTBT will benefit the security of the United States and of the world.

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3. Fissile Material Cut-off Treaty

On March 12, 2013, Ambassador Laura Kennedy, U.S. Permanent Representative to the Conference on Disarmament, delivered a statement (excerpted below) to the Conference on Disarmament in Geneva regarding the Fissile Material Cut-off Treaty (“FMCT”). Ambassador Kennedy’s statement, available at <http://geneva.usmission.gov/2013/03/12/ambassador-kennedy-on/>, refers to UN General Assembly Resolution 67/53, adopted in December 2012. U.N. Doc. A/RES/67/53. Resolution 67/53 created a group of governmental experts (“GGE”) to make recommendations that could contribute to the conclusion of a FMCT.

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Madam President, thank you for the opportunity to address this plenary on the Fissile Material Cutoff Treaty—FMCT. The negotiation of an FMCT has been an issue at the core of this Conference’s agenda for many years. It is a central tenet of President Obama’s Prague vision of a world without nuclear weapons — part of the step by step mutually reinforcing process to get there. Many times the international community has underlined the centrality of FMCT to nuclear disarmament. The international community has long been ready to negotiate FMCT. For no other nuclear disarmament measure has the technical and conceptual ground work been better prepared than it has for FMCT. The 2010 NPT Review Conference Action Plan reaffirms

FMCT's priority and the primacy of achieving it as a logical and essential next step on the path towards global nuclear disarmament. We much prefer that FMCT be dealt with here in the CD, a well-established venue for negotiations that includes every major nuclear-capable state and operates by consensus.

But while there are no technical or conceptual obstacles to the commencement of FMCT negotiations, there are political ones. As you are well aware, these are self-inflicted. A Program of Work including FMCT negotiations, CD/1864, was approved by this Conference in the spring the CD have been blocked and the will of the international community has been repeatedly thwarted. Efforts by several CD members to craft sensible, compromise language have all failed, including two promising Program of Work proposals offered by the distinguished representatives of Egypt and Hungary, respectively, and an earlier effort by Brazil, when the equally distinguished Brazilian Ambassador presided over the CD. The deadlock in the CD over FMCT appears as intractable today as it ever has, though it need not be.

Years of frustration and inactivity led to a predictable result, with the 2012 UNGA First Committee taking action. While not enthusiastic about increasing UNGA involvement in CD-related issues, the United States assessed that the Canadian-sponsored FMCT resolution (67/53) establishing a Group of Government Experts (GGE) was balanced, consensus-based, and could lead to future FMCT negotiations in the CD. This is why in the end we decided to support the Canadian resolution and why we will encourage others to support its work. It's not a substitute for the CD; it's an impetus for the CD to regain lost credibility by returning to the role carved out for it as a forum for multilateral disarmament negotiations. We intend to actively participate in the GGE, if invited, and we will encourage other countries that would be directly affected by an FMCT to do the same. As the Canadian Ambassador noted, the UN Secretary General invited views on FMCT in this regard. The U.S. will provide such views by May 15, as requested, and hopes all other states will do so as well.

Madam President, my delegation has already outlined our substantive views on a Fissile Material Cutoff Treaty in past plenaries, and in other meetings held over the past two years on the "margins" of the Conference on Disarmament. The U.S. shares the international goal of a non-discriminatory treaty that halts the production of fissile material for use in nuclear weapons or other nuclear explosive devices, and that is internationally verifiable. An FMCT would be an important, international achievement, both for nonproliferation and disarmament. It would effectively cap the fissile materials available for use in nuclear weapons. Put alongside the Comprehensive Nuclear-Test-Ban Treaty (CTBT), measures that constrain the technological sophistication of a country's nuclear arsenal, and its size, would be in place. An FMCT would also fold additional enrichment and reprocessing facilities into the international monitoring regime of IAEA safeguards. It would help consolidate the advancements in arms control since the end of the Cold War, and provide the basis for further, deeper reductions in nuclear arsenals globally.

Consistent with the Shannon mandate, the ultimate scope of the Treaty will be an issue for negotiations. The U.S. position on FMCT scope is well known. It is that FMCT obligations, including verification obligations, should cover new production of fissile material. Existing stockpiles should be dealt with separately, through other agreements and voluntary measures.

We have already undertaken such agreements with Russia, and have taken unilateral steps in addition. In 1994, the United States removed 174 metric tons of highly enriched uranium from its weapons program. In 2005, the United States announced that an additional 200 metric tons would be removed, which would be enough for more than 11,000 nuclear weapons. In an arrangement with Russia, 472 metric tons of Russian highly enriched uranium has now been down-blended for use as commercial reactor fuel and that number is expected to reach the 500 MT target this year. In addition, more than 60 metric tons of plutonium was removed from U.S. defense stocks, of which 34 metric tons was included in the U.S.-Russia Plutonium Management and Disposition Agreement (PMDA). That agreement commits each country to dispose of at least 34 metric tons of excess weapon-grade plutonium, enough in total for approximately 17,000 nuclear weapons. Disposition will be subject to IAEA monitoring and will transform the material into forms that cannot be used for nuclear weapons.

President Obama has accompanied this steady drawdown of fissile material stocks with an accelerated focus on securing fissile material worldwide—a high level, international focus, which he initiated at the Nuclear Security Summit in 2010, followed by the Seoul Summit in 2012. We look forward to the next summit in The Hague.

In short, the U.S. and Russia, the two countries with the largest fissile material stocks have been reducing our stockpiles over the course of many years—more specifically in the 18 years since the Shannon Mandate. The old debate over FMCT scope in the CD is behind the curve in this respect. Attempts to address existing stocks multilaterally and link them to a ban on new production for weapons purposes will only complicate consensus on beginning a negotiation on an FMCT—we know that and have chosen to address stocks by other means. Furthermore, the longer production is not banned, the more stocks will accrue in countries, unlike the United States, that have not imposed a moratorium on production. All of this said, we are well aware that others have a differing view on the scope issue. That is what negotiations are for. It is not possible to resolve such difficult issues before negotiations even begin. Efforts to do so seem to have the effect, whether by design or inadvertently, of preventing negotiations.

As others here today, we have begun the 2013 session of the CD with renewed commitment to the negotiation of an FMCT, despite the stagnation of this body the last many years. Negotiations in the CD would neither discount nor override the national security concerns of any member; on the contrary, the security interests of all are assured by consensus in this Conference. Of course, our deliberations here today, no matter how substantive, are not a substitute for negotiations. The CD should take this important step in multilateral nuclear disarmament and initiate FMCT negotiations as soon as possible. We are ready to launch them.

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4. Nuclear Security

On January 31, 2013, Ambassador Bonnie Jenkins, U.S. Special Envoy and Coordinator for Threat Reduction Programs at the Department of State, addressed the 24th UN Conference on Disarmament. Her remarks are available in full at

www.state.gov/t/isn/rls/rm/2013/203779.htm. Excerpts below relate to nuclear security. Other excerpts from Ambassador Jenkins' remarks appear in sections C. and D., *infra*.

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...[T]he nuclear security summit process obviously focuses on just one type of these serious threats. As envisioned, the 2010 Nuclear Security Summit in Washington brought high-level attention and prominence to the issue of nuclear security as countries develop a common understanding of the threat posed by nuclear terrorism and agreed on effective measures to prevent nuclear terrorism.

The 2010 Summit produced a Communique and detailed Work Plan that articulated a common commitment to focus collectively on minimizing the use and locations of sensitive nuclear materials and continually exchanging information on best practices and practical solutions.

The Summit achieved crucial international consensus on three key areas:

- The danger of nuclear terrorism is one of the greatest threats to our collective security
- Terrorist networks such as al Qaeda have tried to acquire the material for a nuclear weapon, and if they ever succeeded, they would surely use it, and
- Were they to do so, it would be a catastrophe for the world – causing extraordinary loss of life, and striking a major blow to global peace and stability

The 2010 Washington communique, agreed amongst the participants, also:

- Committed leaders to the principles of nuclear security
- Reaffirmed the fundamental responsibility of States, consistent with their respective international obligations, to maintain effective security of all nuclear materials
- Promoted focused national efforts to improve security of all weapons-usable nuclear materials
- Committed States to work cooperatively as an international community to advance nuclear security, requesting and providing assistance where necessary
- Called for securing all vulnerable nuclear material in four years

The 2012 Nuclear Security Summit in Seoul brought together 58 world leaders to report on their progress in meeting goals set out at the 2010 Washington Summit. The Summit highlighted that eighty percent of the commitments made by nations at the 2010 Summit have been fulfilled. These are all efforts that combat the threat of nuclear terrorism.

For this reason, the Seoul Summit was another milestone in our global efforts at securing vulnerable nuclear material and preventing nuclear terrorism. Other major accomplishments we have seen since the 2010 Summit include

Summit participants and others are also using every tool at their disposal to break up black markets and nuclear material:

Countries like Georgia and Moldova have seized highly enriched uranium from smugglers

Jordan and others are building their own counter nuclear smuggling teams within a global network of intelligence and law enforcement

Nearly 20 nations have now ratified treaties and international partnerships that are at the center of these efforts

Mexico and Ukraine joined the ranks of nations that have removed all the highly enriched uranium from their territory.

The United States and Sweden announced the successful removal of plutonium from Sweden.

The Japan-U.S. Nuclear Security Working Group made progress on promoting robust security for nuclear materials at civilian nuclear facilities and during transport.

The United States, Russia and Kazakhstan unveiled the near completion of a joint project to eliminate the remnants of past nuclear testing activities at a former nuclear test site

More than a dozen weapons worth of nuclear material was entombed using special cement and security barriers and is now safely secured

Summit participants also discussed some topics new to the Summit process such as nuclear safety and radiological terrorism. However, the Summit was about more than just reporting on past progress.

At the end of the Summit, countries agreed to a detailed Communiqué that advances important nuclear security goals. The Seoul Communiqué sets out 11 priority areas in nuclear security, including:

1. security, accounting, and control of nuclear materials and minimizing the use of highly-enriched uranium
2. radioactive sources
3. nuclear security and safety
4. transportation security
5. combating illicit trafficking
6. nuclear forensics
7. nuclear security culture
8. information security

Many countries agreed to a number of multilateral joint commitments or what we called “gift baskets,” each of which has detailed work plans to ensure their success. These gift baskets include work on:

thwarting the illicit trafficking of nuclear or other radioactive materials

drafting national legislation to implement nuclear security agreements

measures to detect and prevent nuclear terrorism

commitments among the United States and several European nations to work toward eliminating the use of potentially vulnerable highly enriched uranium (HEU) in isotope production by the end of 2015, while maintaining a reliable supply of medical isotopes used to diagnose cancer and heart disease

promoting the security of nuclear materials while in transit

establishing and coordinating centers of excellence

Despite the successes, there is still work to be done to ensure all nuclear material is secure and we have done all we can to prevent nuclear terrorism. Nuclear material continues to be stored without adequate protection, at risk of exploitation by terrorists and criminal gangs that have expressed an interest. We look forward to working with our international partners to further secure vulnerable nuclear material and make progress toward the President's nonproliferation agenda.

The next summit will be in 2014 and hosted by The Netherlands. We seek additional progress at that event in the global effort to secure all nuclear material to ensure those materials do not get into the hands of terrorists. Two Dutch priorities for the 2014 summit are ratification of the amended CPPNM by countries that have not yet done so and promoting/advancing the use of voluntary IAEA IPPAS (International Physical Protection Advisory Service) missions.

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5. Nuclear Safety

In 2013, there was significant progress toward the establishment of a global nuclear liability regime allowing for compensation in the event of a nuclear accident, as called for by the IAEA's Action Plan on Nuclear Safety. In particular, 2013 saw progress toward bringing into force the Convention on Supplementary Compensation for Nuclear Damage ("CSC"). See *Digest 2008* at 993-99 for background on the CSC.

First, on August 29, 2013, the United States and France issued a Joint Statement on Civil Liability for Nuclear Damage, identifying their shared views on civil nuclear liability and support for the establishment of a global nuclear liability regime in accordance with the IAEA's Action Plan on Nuclear Safety. A Department of Energy article about the Joint Statement, available at <http://energy.gov/articles/united-states-and-france-sign-joint-statement-civil-liability-nuclear-damage>, quotes U.S. Secretary of Energy Ernest Moniz as follows:

The signing of this joint statement by our two countries marks a major milestone in moving towards an important recommendation of the IAEA: the creation of a global nuclear liability regime, and I urge every country to take the steps necessary to become a member. In addition, this statement recognizes the importance of bringing the Convention on Supplementary Compensation for Nuclear Damage (CSC) into effect as an initial step. The United States is working to bring the CSC into effect during the next twelve months.

The DOE article also summarizes the Joint Statement commitments of the United States and France to:

- Work together towards achieving a global regime based on treaty relations among the United States, France, and other countries that might be affected by a nuclear accident;
- Coordinate their actions in encouraging adherence to the enhanced international nuclear liability instruments, including, as appropriate, the revised Paris Convention (together with the revised Brussels Convention) or the revised Vienna Convention, which may be linked by the Joint Protocol, and the CSC, with an initial step being the entry into force of the CSC; and
- Encourage countries to have national laws that fully incorporate international principles, including channeling all liability for nuclear damage exclusively to the operator on the basis of strict liability, and recent enhancements to those principles, as well as best practices designed to improve compensation of nuclear damage.

Second, on November 4, 2013, at the Second Meeting of the United States-Japan Bilateral Commission on Civil Nuclear Cooperation, the United States welcomed Japan's announcement of its intention to join the CSC. A Department of Energy fact sheet about the November 4 meeting, available at <http://energy.gov/articles/factsheet-second-meeting-united-states-japan-bilateral-commission-civil-nuclear-cooperation>, includes the following regarding the CSC and the significance of Japan joining:

Japan and the United States noted that this important Convention will enter into force 90 days after Japan's deposit of its appropriate instrument. They recognize that Japan's joining the CSC helps to facilitate U.S. commercial engagement in the Japanese nuclear sector, including support to the ongoing cleanup of contaminated water at the Fukushima NPS [Nuclear Power Station], as well as the decommissioning activities at the site.

Japan and the United States committed to work together to establish a global nuclear liability regime by encouraging other countries to join the CSC, thereby achieving a major objective of the Action Plan on Nuclear Safety adopted by the International Atomic Energy Agency.

Third, Canada signed the CSC on December 3, 2013, bringing to 17 the number of signatories and bringing the treaty closer to entering into force. Mauritius became the 16th signatory to the CSC on June 24, 2013. See IAEA June 26, 2013 news story, available at www.iaea.org/newscenter/news/2013/mauritius.html. The CSC will come into force on the ninetieth day after the ratification, acceptance or approval by at least five signatory states with a minimum of 400,000 units of installed nuclear capacity. Four signatory states had ratified the CSC as of December 2013, including the United States.

6. Country-Specific Issues

a. *Democratic People's Republic of Korea ("DPRK" or "North Korea")*

After North Korea conducted a third nuclear test in violation of previous UN Security Council resolutions, the Security Council responded. On February 12, 2013, Ambassador Susan E. Rice, U.S. Permanent Representative to the United Nations, delivered the remarks excerpted below and available at

<http://usun.state.gov/briefing/statements/204033.htm>. For discussion of sanctions on North Korea, see Chapter 16.

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...The Security Council, as you know, just met to discuss North Korea's highly provocative nuclear test. Countries around the world, including every member of the Security Council, agreed that this test was an extremely regrettable act that further undermines international peace and security, as well as that of the region.

The nuclear test directly violates the DPRK's obligations under several unanimous Security Council resolutions, including 1718, 1874, and 2087. Moreover, the test contravenes North Korea's commitments under the September 2005 Joint Statement of the Six-Party Talks and increases the risk of proliferation of weapons of mass destruction.

North Korea does not and will not benefit from violating international law. Far from achieving its stated goal of becoming a strong and prosperous nation, the DPRK has instead increasingly isolated and impoverished its people through its ill-advised pursuit of weapons of mass destruction and their means of delivery.

North Korea's continued work on its nuclear and missile programs seriously undermines regional and international peace and security and threatens the security of a number of countries, including the United States. When the Council responded to the last DPRK provocation and violation of its obligations, we said—and the Council said—that it was clearly committed in Resolution 2087 to take, and I quote, "significant action" in the event of any further launch using ballistic missile technology or another nuclear test. And indeed, we will do so.

To address the persistent danger posed by North Korea's threatening activities, the UN Security Council must and will deliver a swift, credible, and strong response by way of a Security Council resolution that further impedes the growth of DPRK's nuclear weapons and ballistic missile programs and its ability to engage in proliferation activities. In the days ahead, we will consult closely with other Council members and concerned UN member states to pursue appropriate further action.

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On March 7, 2013, Ambassador Glyn Davies, U.S. Special Representative for North Korea Policy, testified before the U.S. Senate Committee on Foreign Relations. His testimony, excerpted below, is available at www.state.gov/p/eap/rls/rm/2013/03/205691.htm.

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Nearly sixty years have passed since the conclusion of the armistice that ended the hostilities of the Korean War, yet North Korea still persists as one of the thorniest challenges confronting the United States and the international community. Pyongyang's February 12 announcement of a third nuclear test—conducted in brazen defiance of the demands of the United Nations Security Council—and its subsequent threats to conduct even more follow-on “measures” are only the latest in a long line of reminders that the DPRK's nuclear weapons and ballistic missile programs and proliferation activities pose serious threats to U.S. national security, to regional security in the Asia-Pacific, and to the global nonproliferation regime.

Pyongyang continues to violate its international obligations and commitments, including to denuclearize. Its human rights record remains deplorable. Its economy is stagnant. Its people are impoverished. It pours significant sums into nuclear and ballistic missile programs that are forbidden by the United Nations. The leadership's choices are isolating North Korea from the international community. International outrage against North Korea and its provocative and threatening actions, meanwhile, continues to grow.

The DPRK has consistently failed to take advantage of the alternatives available. The United States offered—and has continued to offer—Pyongyang an improved relationship with the United States and integration into the international community, provided North Korea demonstrated a willingness to fulfill its denuclearization commitments and address other concerns. The DPRK rebuffed these offers and instead responded with a series of provocations that drew widespread international condemnation.

Pyongyang appeared prepared to enter a period of serious diplomatic engagement in mid-2011, and the United States responded with a proactive, nearly-year-long diplomatic effort to push forward on denuclearization in a way that would lay the groundwork for improved bilateral relations. Starting in July 2011 and continuing over the next ten months, the United States and the DPRK held three rounds of bilateral denuclearization talks on three continents. In our meetings, we worked to forge the conditions necessary for resuming the Six-Party Talks, which had been stalled since 2008. Shortly after Kim Jong Un's assumption of power, we reached a modest but potentially important bilateral understanding announced on February 29, 2012.

Pyongyang announced its commitment to, among other things, a moratorium on nuclear tests, long-range missile launches, and all nuclear activity, including uranium enrichment activity, at the Yongbyon nuclear complex. North Korea also committed to allow International Atomic Energy Agency inspectors to return to Yongbyon to monitor the cessation of uranium enrichment and confirm the disablement of plutonium-related facilities there.

But just 16 days later, North Korea reneged on these commitments by announcing its intent to launch a satellite into orbit. Such launches use ballistic missile technology proscribed by multiple UN Security Council resolutions (UNSCRs), and we had made it abundantly clear during our negotiations that such a launch, even if characterized as a satellite launch, would be a deal-breaker. Pyongyang nevertheless conducted such a launch on April 13 and was greeted by deep international opprobrium. All five Six-Party partners—China, Russia, the United States, the Republic of Korea (ROK), and Japan—joined a long list of states publicly condemning Pyongyang’s provocation. The UN Security Council unanimously issued a Presidential Statement condemning the act as a “serious violation” of UNSCRs 1718 and 1874, tightened existing sanctions, and made clear its commitment to “take action accordingly” in the event of another launch.

North Korea again brazenly defied the international community on December 12, 2012, with another long-range missile launch, again characterized by the DPRK as a satellite launch, in flagrant violation of UN Security Council resolutions 1718 and 1874 and in the face of united public and private calls by the international community to desist. Over 60 countries and international organizations issued statements criticizing the launch. The UN Security Council unanimously adopted UNSCR 2087, which condemned the launch, further expanded the scope of sanctions on the DPRK, and promised “significant action” in the event of a future DPRK missile launch or nuclear test.

The DPRK’s February 12 announcement of a nuclear test, which Pyongyang proclaimed was targeted against the United States, represents an even bolder threat to U.S. national security, the stability of the region, and the global nonproliferation regime. The international response has been unprecedented. Over 80 countries and international organizations from all corners of the world have decried the test. Many are speaking out against DPRK provocations for the first time. As the list continues to grow, it is increasingly clear that an international consensus is coalescing in opposition to North Korea’s destabilizing activities.

We are working with the international community to make clear that North Korea’s nuclear test has costly consequences. In adopting Resolution 2087 in January after the December launch, the UN Security Council pledged to take “significant action” in the event of a nuclear test; we are working hard at the UN Security Council to make good on that pledge. We are intensively engaged with our Six-Party partners, members of the UN Security Council, and other UN member states on a strong and credible response by the international community.

China’s support for firm action remains key, and we are deeply engaged with the Chinese in shaping an appropriate response. We are strengthening our close coordination with our Six-Party partners and regional allies. And—through a whole-of-government approach, working closely with our partners in the Department of Defense and other agencies—we will take the steps necessary to defend ourselves and our allies, particularly the ROK and Japan. We have reassured both Seoul and Tokyo, at the highest levels, of our commitment to extended deterrence through the U.S. nuclear umbrella, conventional capabilities, and missile defense.

North Korea’s WMD, ballistic missile, conventional arms, and proliferation activities constitute a serious and unacceptable threat to U.S. national security, to say nothing of the integrity of the global nonproliferation regime, which many around the world have labored—

over generations—to devise, nurture, and enforce. Effective, targeted multilateral and national sanctions will consequently remain a vital component of our efforts to impede the DPRK’s efforts to advance its nuclear weapons and ballistic missile programs and proliferation activities. UNSCR 2087 was an important step forward in this regard. Combined with the measures in resolutions 1718 and 1874, UNSCR 2087 further constricts North Korea’s efforts to procure weapons components, send agents abroad, smuggle dual-use items, and make headway on its nuclear weapons and ballistic missile programs.

Full and transparent implementation of these resolutions by all UN member states, including China, is critical. We are actively engaged with the international community to underscore the importance of full enforcement of these measures.

We also continue to exercise national authorities to sanction North Korean entities, individuals, and those that support them in facilitating programs that threaten the American people. Most recently, on January 24, the Departments of State and the Treasury designated a number of North Korean individuals and entities under Executive Order 13382, which targets actors involved in the proliferation of weapons of mass destruction and their supporters. The Department of State designated the Korean Committee for Space Technology—North Korea’s space agency—and several officials directly involved in North Korea’s April 2012 and December 2012 launches, which contributed to the DPRK’s long-range ballistic missile development efforts. The Department of the Treasury designated several Beijing-based North Korean officials linked to the DPRK’s Tanchon Commercial Bank, which has been designated by the UN and the United States for its role in facilitating the sales of conventional arms, ballistic missiles, and related items. The Treasury Department also targeted Leader (Hong Kong) International Trading Limited, a Hong Kong-based firm, for its links to the Korea Mining Development Trading Corporation, the DPRK’s premier arms dealer and exporter of missile- and weapon-related goods.

We will continue to take national measures as appropriate. We are also working closely with the UN Security Council’s DPRK sanctions committee and its Panel of Experts, the EU and like-minded partners, and others around the globe to harmonize our sanctions programs and to ensure the full and transparent implementation of UNSCRs 1718, 1874, and 2087, which remain the heart of the multilateral sanctions regime.

Sanctions are not a punitive measure, but rather a tool to impede the development of North Korea’s nuclear and missile programs and proliferation-related exports, as well as to make clear the costs of North Korea’s defiance of its international obligations. Working toward our endgame—the verifiable denuclearization of the Korean Peninsula in a peaceful manner—will require an openness to meaningful dialogue with the DPRK. But the real choice is up to Pyongyang.

We remain committed to authentic and credible negotiations to implement the September 2005 Joint Statement of the Six-Party Talks and to bring North Korea into compliance with its international obligations through irreversible steps leading to denuclearization. The President made this clear last November when he said, “. . .let go of your nuclear weapons and choose the path of peace and progress. If you do, you will find an extended hand from the United States of

America.” But let me state the obvious: North Korea’s reckless provocations have certainly raised the bar for a return to dialogue.

The United States will not engage in talks for the sake of talks. Rather, what we want are negotiations that address the real issue of North Korea’s nuclear program. Authentic and credible negotiations therefore require a serious, meaningful change in North Korea’s priorities demonstrating that Pyongyang is prepared to meet its commitments and obligations to achieve the core goal of the September 2005 Joint Statement: the verifiable denuclearization of the Korean Peninsula in a peaceful manner.

This leads to some other important principles. First and foremost, the United States will not accept North Korea as a nuclear-armed state. We will not reward the DPRK for the absence of bad behavior. We will not compensate the DPRK merely for returning to dialogue. We have also made clear that U.S.-DPRK relations cannot fundamentally improve without sustained improvement in inter-Korean relations and human rights. Nor will we tolerate North Korea provoking its neighbors. These positions will not change.

In the meantime, active U.S. diplomacy on North Korea—on a wide range of issues—continues. Close coordination with our valued treaty allies, the ROK and Japan, remains central to our approach.

ROK President Park Geun-hye and President Obama agree on the need for continued close U.S.-ROK coordination on a range of security issues, including North Korea. We are confident of President Park’s commitment to the U.S.-ROK alliance and anticipate close consultation with her administration on its North Korea strategy. Close consultation will also continue with Japan. During his visit to Washington in late February, Japanese Prime Minister Shinzo Abe and President Obama agreed to continue working together closely in responding to the threat posed by North Korea, including through coordination on sanctions measures.

We have also expanded our engagement by developing new dialogues on North Korea with key global actors who have joined the rising chorus of regional and global voices calling on North Korea to fulfill its commitments, comply with its international obligations, and refrain from provocative acts that undermine regional security and the global nonproliferation regime.

China, however, remains central to altering North Korea’s cost calculus. Both geography and history have endowed the People’s Republic of China with a unique—if increasingly challenging—diplomatic, economic, and military relationship with the DPRK. Close U.S.-China consultations on North Korea will remain a key locus of our diplomatic efforts in the weeks and months ahead as we seek to bring further pressure to bear on North Korea and, over the longer term, seek genuine diplomatic openings to push forward on denuclearization.

While denuclearization remains an essential focus of U.S. policy, so, too, does the welfare of North Korea’s nearly 25 million people, the vast majority of whom bear the brunt of their government’s decision to perpetuate an unsustainable, self-impoverishing military-first policy. While the DPRK devotes limited resources to developing nuclear weapons and ballistic missiles and devising ways to avoid sanctions, one in three North Korean children is chronically malnourished, according to a 2009 UNICEF estimate. An elaborate network of political prison camps in the country is reportedly estimated to contain 100,000-200,000 inmates, who are subjected to forced labor, torture, and starvation. It has been reported that whole families have

been condemned—in most cases without trial—when one member commits an alleged crime. The courageous and charismatic Shin Dong-hyuk, whose life story is chronicled in Blaine Harden's excellent book, *Escape from Camp 14*, was born in one of the most infamous political prison camps and spent the first 23 years of his life there. He was not only tortured and subjected to forced labor, but was also cruelly made to witness—at the age of 14—the execution of his mother and his brother.

Even outside this prison-camp system, the North Korean government dictates nearly all aspects of people's lives through a highly structured social classification system called *songbun*, which it uses to divide North Korea's population into categories. This system, in turn, determines access to education and health care, employment opportunities, place of residence, and marriage prospects. Improving human rights conditions is an integral part of our North Korea policy, and how the DPRK addresses human rights will have a significant impact on prospects for improved U.S.-DPRK ties.

The world is increasingly taking note of the grave, widespread, and systematic human rights violations in the DPRK and demanding action. UN High Commissioner for Human Rights Navi Pillay has called for an in-depth international inquiry to document abuses. We support this call, and next week, my colleague Special Envoy for North Korean Human Rights Issues Robert King will travel to Geneva to attend the UN Human Rights Council's 22nd session, where he will call attention to North Korea's human rights record and urge the adoption of an enhanced mechanism of inquiry into the regime's abuses against the North Korean people.

We continue, meanwhile, to engage countries across the globe to raise awareness about North Korea and enlist their help in pushing for action. We are also working with international and non-governmental organizations to improve the situation on the ground for the North Korean people, including by supporting the flow of independent information into the DPRK. Working with the Broadcasting Board of Governors, Voice of America, Radio Free Asia, and independent broadcasters in the ROK, we aim to provide information to the North Korean people and—over the longer term—plant the seeds for the development of civil society.

The Obama Administration's dual-track policy of engagement and pressure toward the DPRK reflects a bipartisan recognition that only a policy of openness to dialogue when possible, combined with sustained, robust pressure through sanctions when necessary, can maximize prospects for progress in denuclearizing North Korea.

Progress on this decades-old problem will not be achieved easily or quickly. We cannot and should not dignify or, worse, feed the North Korean narrative that U.S. actions determine DPRK behavior. North Korea makes its own choices, selects its own timing, and is alone responsible for its actions. Similarly, we need to bear in mind that this is certainly not now—if it ever truly was—solely or even primarily a bilateral U.S.-DPRK issue. It is, rather, increasingly a global issue that requires an entrepreneurial approach, multilateral diplomacy and—yes—continuing, robust American leadership.

But above all else, genuine progress requires a fundamental shift in North Korea's strategic calculus. The DPRK leadership must choose between provocation or peace, isolation or integration. North Korea will not achieve security, economic prosperity, and integration into the international community while it pursues nuclear weapons, threatens its neighbors, tramples on

international norms, abuses its own people, and refuses to fulfill its longstanding obligations and commitments.

The international community has been increasingly clear about this, and so have we. The DPRK leadership in Pyongyang faces sharp choices. And we are working to further sharpen those choices. If the North Korean regime is at all wise, it will re-embark on the path to denuclearization for the benefit of the North Korean people, the Northeast Asia region, and the world.

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b. Iran

On May 13, 2013, the United States provided a statement in protest of Iran's rotation as President of the Conference on Disarmament ("CD"). Erin Pelton, spokesperson for the U.S. Mission to the UN, delivered the statement, excerpted below, and available at <http://usun.state.gov/briefing/statements/209337.htm>.

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Iran's upcoming rotation as President of the Conference on Disarmament (CD) is unfortunate and highly inappropriate. The United States continues to believe that countries that are under Chapter VII sanctions for weapons proliferation or massive human-rights abuses should be barred from any formal or ceremonial positions in UN bodies.

While the presidency of the CD is largely ceremonial and involves no substantive responsibilities, allowing Iran--a country that is in flagrant violation of its obligations under multiple UN Security Council Resolutions and to the IAEA Board of Governors--to hold such a position runs counter to the goals and objectives of the Conference on Disarmament itself. As a result, the United States will not be represented at the ambassadorial level during any meeting presided over by Iran.

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On October 3, 2013, Under Secretary of State for Political Affairs Wendy R. Sherman testified before the Senate Foreign Relations Committee on "Reversing Iran's Nuclear Program." Her testimony, excerpted below, is available at www.state.gov/p/us/rm/2013/215094.htm.

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As requested, I will speak about recent talks with the Iranian government at the UN General Assembly in New York, the status of our negotiations, our continued effort to put pressure on the Iranian government, and a potential path forward for diplomacy—including the core actions needed to reach a verifiable agreement with Iran.

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The Iranian presidential election last June focused on the economy. Questions of how to engage with the international community on the nuclear file were front and center as President Rouhani, a former nuclear negotiator himself, ran against candidates that included then-current negotiator Saeed Jalili. Rouhani made the case that the failure to pursue a serious agreement on Iran's nuclear program was devastating the Iranian economy—and he won the election.

President Rouhani says he has a mandate—both a popular mandate from the Iranian people and a mandate from Supreme Leader Khamenei—to secure sanctions relief and improve Iran's economic situation, which can only be accomplished by pursuing an agreement that satisfies the international community's concerns over Iran's nuclear program.

As the President reaffirmed last week, we are prepared to test that proposition in a serious way. But we must do our part to ensure the success of this effort and to avoid any measures that could prematurely inhibit our ability to secure a diplomatic solution. Here it will be important that we—the Executive and U.S. Congress—remain in close consultation with each other, and that we ensure we can continue to show the Iranian government that the international community remains firmly united as we begin this process.

Review of Last Week's P5+1 Meeting

Last week, Secretary Kerry and I met with Foreign Minister Zarif and the Foreign Ministers of the P5+1 countries in New York on the margins of the UN General Assembly. Although we have indicated we are open to bilateral dialogue with the Iranians, we have emphasized that a nuclear deal would be concluded and implemented by the P5+1.

In our New York meeting, we made clear that we seek an agreement that respects the right of the Iranian people to access peaceful nuclear energy while ensuring to the world that Iran meets its responsibilities under the Nuclear Non-Proliferation Treaty and UN Security Council resolutions.

Foreign Minister Zarif gave a thoughtful presentation and set forth some ideas on how to proceed. He told us that Iran does not seek nuclear weapons and detailed the reasons why it did not make sense for Iran to possess nuclear weapons. We also made clear in return that his words alone, while welcome, are not enough. The test will lie in Iran's actions, to include the development and implementation of specific confidence building measures as well as actions that ultimately address all of our concerns.

So in the coming weeks, we will be looking to the Iranian government to translate its words into transparent, meaningful, and verifiable actions. We enter this period hopeful, but sober. As Secretary Kerry said, no deal is better than a bad deal. So now it is time to see if negotiations can begin in earnest and generate a positive result.

Future Prospects

Let me give you an idea of how we see this process moving forward.

Given the scope of Iran's nuclear program and its history of noncompliance with IAEA Board of Governors and UN Security Council resolutions, as well as the deep mistrust between our two countries, any productive path forward must start with mutual confidence building.

Meaningful, transparent, and verifiable steps are necessary. We will be looking for specific steps by Iran that address core issues, including but not limited to the pace and scope of its enrichment program, the transparency of its overall nuclear program, and stockpiles of enriched uranium. The Iranians, in turn, will doubtless be seeking some relief from the comprehensive international sanctions that are now in place. We have been clear that only concrete verifiable steps can offer a path to sanctions relief. We look forward to hearing Foreign Minister Zarifs suggested plan when the P5+ I next meet with the Iranian delegation in Geneva on October 15 and 16.

We need to ensure throughout that the international community remains united and does not permit sanctions to prematurely unravel. Let me assure you that we will also continue to vigorously enforce the sanctions that are in place as we explore a negotiated resolution, and will be especially focused on sanctions evasion and efforts by the Iranians to relieve the pressure.

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c. *Russia*

On May 15, 2013, the United States deposited its instrument of acceptance for the Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation ("MNEPR Agreement") with the Organization for Economic Cooperation and Development ("OECD") done at Stockholm on May 21, 2003. The OECD received the U.S. instrument of acceptance and confirmed that, in accordance with Article 18, paragraph 1 of the MNEPR Agreement, the MNEPR Agreement entered into force for the United States on June 14, 2013.

On June 14, 2013, the United States and Russia signed a bilateral protocol to MNEPR, as well as a related implementing agreement. As described below, the United States and Russia will use MNEPR, the bilateral protocol, and the related implementing agreement as the basis for their future cooperation on a range of nuclear nonproliferation matters. This new legal framework took the place of the 1992 Agreement between the United States of America and the Russian Federation Concerning the Safe and Secure Transportation, Storage and Destruction of Weapons and the Prevention of Weapons Proliferation (commonly known as the Nunn-Lugar Cooperative Threat Reduction ("CTR") Umbrella Agreement), which expired on June 17, 2013. The State Department issued a fact sheet, excerpted below and available at

www.state.gov/r/pa/prs/ps/2013/06/210913.htm, on cooperation under the new legal framework.

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As long-time partners with a mutual interest in promoting nuclear security, the United States and the Russian Federation have successfully worked together on a broad range of activities designed to prevent the spread of weapons of mass destruction (WMD) by securing and eliminating WMD-related materials and technology, and engaging relevant expertise. This close cooperation will continue under a new framework that reflects the evolution of this longstanding partnership, recognizes common threats, and provides for the continuation of a range of cooperative projects to reduce nuclear threats. It also allows for the addition of new activities in the future.

Future joint nuclear security activities in the Russian Federation will be conducted under the 2003 Framework Agreement on a Multilateral Nuclear Environmental Programme in the Russian Federation (MNEPR) and a related bilateral Protocol signed on June 14, 2013 in Washington, D.C.

Under the new bilateral protocol to MNEPR, U.S.-Russian cooperation will continue in a broad array of nuclear security and nonproliferation areas, including but not limited to:

- improving security of nuclear and radiological material;
- customs control of nuclear and radioactive material;
- recovery and securing of radioactive sources;
- consolidation of nuclear material and conversion of excess highly enriched uranium (HEU) to low enriched uranium (LEU);
- conversion of HEU research reactors to operate with LEU; and
- nuclear submarine dismantlement.

The new framework includes provisions that will authorize and facilitate bilateral cooperation in these areas and are based on the provisions of the previous agreement on bilateral nuclear security cooperation. We anticipate a number of U.S. government organizations, including the Departments of State, Energy, and Defense, will remain involved under this new agreement.

Under the new framework, the Russian Federation will assume the costs and complete without further U.S. assistance two areas of bilateral CTR cooperation previously covered by the CTR framework: ballistic missile elimination and chemical weapons destruction. Projects in both areas were winding down this year after many years of successful cooperation. The parties continue to discuss potential technical cooperation on chemical weapons destruction outside the new framework. Additionally, we have worked together intensively over the years with Russia on its nuclear warhead protection systems. We are proud of these joint efforts, and Russia will now take full responsibility over this mission.

The United States looks forward to continued partnership on nuclear security with the Russian Federation in this new era of nonproliferation cooperation. The citizens of both of our nations are safer for the work that was completed under the Cooperative Threat Reduction

program, and we are strongly committed to making further progress under this new cooperative agreement.

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On September 16, 2013, on the margins of the International Atomic Energy Agency's General Conference in Vienna, Russia and the United States signed an agreement to expand their cooperation in the field of nuclear research and development. As described in a State Department news article, available at <http://iipdigital.usembassy.gov/st/english/article/2013/09/20130917283046.html#axzz2pd2wc3yl>:

The agreement will complement provisions of the U.S.-Russian Agreement for Cooperation in the Field of Peaceful Uses of Nuclear Energy, which came into force in January 2011 and opened new opportunities to work together on a wide range of issues in this sphere, according to the U.S. Energy Department.

...

Potential projects covered by the agreement could include international safeguards, establishment of a Multi-Purpose Fast Research Reactor International Research Center, irradiation of fuels and materials in the fast-spectrum research reactor BOR-60, and defense from asteroids, among others. The United States and Russia are equal partners under the agreement, with each country bearing its own costs.

The United States and Russia also signed an amendment to the Agreement on the Establishment of Nuclear Risk Reduction Centers ("NRRCs") on October 7, 2013. The NRRCs are used to send notifications in conjunction with at least 13 different conventional and other kinds of treaties between the United States and Russia, serving as a critical component in helping the two sides to apply the rules and avoid misunderstanding. Secretary Kerry said of the amendment, "by upgrading the centers, it provides vital support for our strategic and our conventional arms treaties and agreements, like the New START Treaty." Joint press availability with Russian Foreign Minister Sergey Lavrov after their meeting in Indonesia, available at www.state.gov/secretary/remarks/2013/10/215162.htm. The State Department media note on the amendment is excerpted below and available at www.state.gov/r/pa/prs/ps/2013/10/215165.htm.

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The original agreement, between the United States of America and the Union of Soviet Socialist Republics, was signed on September 15, 1987, and established Centers in Washington, DC and in Moscow to provide the time-sensitive communications required by arms control treaties and security agreements. With over 26 years' experience, the Centers continue to support a robust array of conventional and strategic arms control treaties and agreements and confidence-building measures.

The new agreement further strengthens the connection between the two Nuclear Risk Reduction Centers. Today's NRRC-to-NRRC relationship and communications link continue to provide vital transparency in strategic and conventional forces, facilitate verification of arms control treaties and agreements and support strategic stability. For instance, the two Centers have exchanged over five thousand notifications under the New START Treaty since its entry into force in 2011.

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d. Republic of Korea

The United States and the Republic of Korea ("ROK") continued negotiations in 2013 to replace their existing agreement for peaceful nuclear cooperation, set to expire in March 2014. On April 24, 2013, the State Department issued a media note explaining that the parties had decided to extend the agreement for two years in order to allow time for resolution of significant technical issues. The media note, available at www.state.gov/r/pa/prs/ps/2013/04/207922.htm, is excerpted below.**

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The United States and the Republic of Korea (ROK) are global leaders and partners in the peaceful uses of nuclear energy. To renew and modernize this fruitful and longstanding partnership, we have made significant progress in negotiations to replace the current agreement for peaceful nuclear cooperation, which is set to expire March 19, 2014. We seek to conclude a successor agreement that serves as a strong foundation for U.S.-ROK bilateral civil nuclear cooperation for the future, reinforces our partnership as major nuclear suppliers, bolsters our overall bilateral relationship, and reaffirms our common commitment to nonproliferation. We also seek to work together to address common challenges, including those related to spent nuclear fuel management and reliable supplies of nuclear fuel to undergird our respective nuclear industries.

** Editor's note: The agreement was extended for two years in early 2014, before it expired.

Because our cooperation is increasingly broad and deep, there are several complex technical issues that will take some additional time and effort to resolve. To provide time for our negotiators to finalize an agreement that meets these important goals, and to meet our respective legal requirements for approval of such an agreement, the United States and the ROK have decided to seek a two-year extension of the current agreement. The Administration will begin immediately to consult with Congress on extending the existing agreement. An extension would ensure there is no lapse in ongoing cooperation and would maintain stability and predictability in our joint commercial activities.

During this extended period, the United States and the ROK will continue negotiations in order to finalize a successor agreement. We expect to hold our next round of discussions on that successor agreement in June 2013 and intend to meet approximately quarterly thereafter.

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On June 27, 2013, Assistant Secretary of State Thomas Countryman testified before the House Foreign Affairs Committee on the ongoing negotiations with the ROK of a successor agreement on nuclear cooperation. His testimony, excerpted below, is available at www.state.gov/t/isn/rls/rm/2013/211328.htm.

* * * *

The current agreement for peaceful nuclear cooperation, or 123 Agreement, between the United States and the Republic of Korea entered into force in March 1973 and expires in March 2014. The United States and the Republic of Korea began negotiating a successor agreement in 2010, and we have made substantial progress in creating a text that properly reflects both our governments' roles as global leaders in nuclear energy and our mutual commitment to the highest standards of nonproliferation. Because of the breadth and depth of our current and future nuclear cooperation with the Republic of Korea, it takes some time and effort to resolve complex technical issues. I have no doubt that we will get there.

To allow sufficient time to resolve these complicated issues, the United States and the Republic of Korea decided in April to seek a two-year extension of the existing agreement. An extension would facilitate the efforts of both our governments to finalize the text of an agreement that promotes United States and R.O.K. nonproliferation and civil nuclear cooperation objectives and priorities, and which fulfills our respective domestic requirements to bring that agreement into force. An extension would also ensure there is no lapse in our ongoing civil nuclear cooperation, preserving stability and predictability in our joint commercial activities.

It is for these reasons that the Administration is seeking Congressional support for an extension of the existing agreement. We are grateful for your consideration of this request, and I would like to thank Chairman Royce, Ranking Member Engel, and the other members of the Committee who have co-sponsored the pending draft legislation authorizing the President to

extend the term of the current U.S.-Republic of Korea agreement for peaceful nuclear cooperation for a period not to exceed March 19, 2016, notwithstanding any other provision of law. The Administration stands ready to work with Congress to achieve the extension of the existing agreement. Early passage of such legislation would provide confidence to both countries, including our respective nuclear industries, that cooperation will continue smoothly.

Draft Successor Agreement Text

Let me also say a few words about our efforts to negotiate the successor U.S.-Republic of Korea 123 agreement. Our two governments are working together to conclude an agreement that builds on our fruitful and longstanding partnership, reinforces our shared status as global leaders in nuclear energy, and reaffirms our mutual commitment to the highest standards of nuclear nonproliferation. We will continue to focus on working together to address common practical challenges facing our nuclear industries as outlined by President Obama and President Park this May. The two leaders talked about making progress on spent fuel management, maintaining a reliable supply of reactor fuel, and strengthening our respective nuclear industries. We conducted a round of negotiations in June and made progress in coming closer to an agreed text. The United States and the ROK intend to meet about every quarter to conclude negotiations on a successor agreement as soon as possible.

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On July 25, 2013, a nuclear technology transfer agreement between the United States and the Republic of Korea entered into force. The agreement was effected by an exchange of diplomatic notes, available at www.state.gov/s/l/c8183.htm. Prior to entry into force, on May 31, 2013, the U.S. Department of Energy published in the Federal Register a notice of the nuclear technology transfer agreement as a proposed subsequent arrangement pursuant to the Atomic Energy Act. 78 Fed. Reg. 32,640 (May 31, 2013). Excerpts from the Federal Register notice appear below.

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The agreement being processed as a subsequent arrangement is the proposed Agreement between the Government of the United States of America and the Government of the Republic of Korea Relating to the Transfer of Certain Nuclear Technologies in the Course of the Joint Fuel Cycle Study (the Agreement) being conducted by authorized technical experts from the United States of America and the Republic of Korea (ROK). The Joint Fuel Cycle Study (JFCS) will explore the technical and economic feasibility and the nonproliferation acceptability of the electrochemical recycling process and of other spent fuel management options. The purpose of the Agreement is to establish legal procedures and controls governing the transfer of technologies under the course of the JFCS that are necessary for its successful completion.

The U.S. Government has concluded that electrochemical recycling technology as defined in the Agreement is sensitive nuclear technology (SNT) within the meaning of Section

4(a)(5) of the Nuclear Non-Proliferation Act of 1978 (22 USC 3203(a)(5)), and that the transfer of such technology to the ROK is necessary for the successful completion of the JFCS. Sections 127 and 128 of the Atomic Energy Act of 1954, as amended (AEA), impose certain requirements on the export of SNT. In order to meet those requirements and proceed with the transfer of SNT as part of this cooperation, the U.S. Government must obtain the ROK government's agreement to conditions on the transferred SNT and any nuclear material or equipment produced through its use. The Agreement was explicitly developed to meet the requirements of AEA Sections 127 and 128 regarding the transfer of SNT to the ROK and contains all the terms and conditions required therein.

The Agreement would impose reciprocal obligations on both the U.S. Government and the ROK government regarding all technology transferred under the Agreement, including SNT, except insofar as the Agreement reflects the different obligations of the two governments under their respective safeguards agreements with the International Atomic Energy Agency (IAEA).

Although the Agreement would not be concluded pursuant to an agreement for nuclear cooperation entered into pursuant to Section 123 of the AEA, the results of the collaboration eventually may be applicable to spent nuclear fuel in the ROK that is subject to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea Concerning Civil Uses of Atomic Energy, signed at Washington November 24, 1972, as amended, or a successor agreement.

Moreover, as noted above, the U.S. Government considers electrochemical recycling technology, as defined in the Agreement, to be SNT under U.S. law, as it constitutes information not available to the public that is important to the design, construction, fabrication, operation or maintenance of a nuclear fuel reprocessing facility. Taking these factors into account, the Department of Energy and the Department of State have concluded that it would be appropriate to follow the consultation and review procedures in AEA Section 131a. concerning subsequent arrangements prior to entering into the Agreement and for the Department of State to prepare a Nuclear Proliferation Assessment Statement.

* * * *

e. Taiwan

On December 20, 2013, President Obama made a determination pursuant to section 123b. of the Atomic Energy Act, regarding the proposed agreement for cooperation between the American Institute in Taiwan ("AIT") and the Taipei Economic and Cultural Representative Office in the United States ("TECRO") concerning the peaceful uses of nuclear energy. 78 Fed. Reg. 80,447 (Dec. 31, 2013). Specifically, President Obama determined "that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security." *Id.* Accordingly, President Obama approved the proposed agreement and authorized the Secretary of State to arrange for its execution. *Id.*

f. Arrangement with Lithuania on Cooperation in Countering Nuclear Smuggling

On April 23, 2013, at NATO headquarters in Brussels, Secretary Kerry and Lithuanian Foreign Minister Linas Linkevicius signed the Joint Action Plan between the Government of the United States of America and the Government of the Republic of Lithuania on combating illicit trafficking of nuclear and radioactive materials and related technology. The joint action plan with Lithuania is the 11th such plan concluded by the Department of State. Secretary Kerry's remarks at the signing ceremony are available at www.state.gov/secretary/remarks/2013/04/207875.htm. The State Department issued a media note on April 23, 2013, available at www.state.gov/r/pa/prs/ps/2013/04/207862.htm, summarizing the political arrangement by the United States and Lithuania to work together in their efforts to counter nuclear smuggling:

This "Joint Action Plan..." ... is also one of the many steps the United States and Lithuania are taking to implement the commitments both nations made at the 2012 Nuclear Security Summit in Seoul.

The newly signed plan includes steps to enhance Lithuania's control of its radioactive materials, foster cooperation among its domestic agencies, expand the country's role as a mentor to regional partners, and review and strengthen the Lithuanian Penal Code to ensure all types of nuclear smuggling cases can be prosecuted. Lithuania also has established a Nuclear Security Center of Excellence, and the United States is supporting Lithuania's efforts to develop a counter nuclear smuggling curriculum for this center and host regional training courses.

C. G8 GLOBAL PARTNERSHIP

On January 31, 2013, Ambassador Jenkins, U.S. Special Envoy and Coordinator for Threat Reduction Programs at the Department of State, addressed the 24th UN Conference on Disarmament. Her remarks are available in full at www.state.gov/t/isn/rls/rm/2013/203779.htm. Excerpts below relate to the G8 Global Partnership. Other excerpts from Ambassador Jenkins' remarks appear in sections B.4 *supra* and D. *infra*.

* * * *

The Global Partnership was established by the G8 in 2002 as a 10-year, \$20 billion initiative to prevent terrorists, or states that support them, from acquiring or developing weapons of mass destruction. While it was established within the G8 structure, the GP has grown over the years, and now has 25 members.

To date, the Global Partnership has spent over \$21 billion towards preventing terrorists from acquiring or developing weapons of mass destruction. The Global Partnership has been a positive model of cooperation and coordination in efforts to combat these threats.

For those first 10 years, the majority of work within the Global Partnership was focused on dismantling nuclear submarines and chemical weapons in Russia, though funding also went to some other activities and programs within Russia and the former Soviet Union.

The Global Partnership has:

Improved accounting, control, and physical protection of nuclear and radiological materials;

Enhanced nuclear, biological, and chemical security;

Dismantled nuclear submarines and safe storage of removed spent fuel;

Improved detection of nuclear and radiological materials and prevented illicit trafficking by improving border security capabilities;

Engaged and redirected to peaceful purposes scientists, technicians, and engineers who have WMD, missile, and related expertise; and

Provided enhanced training on nuclear safeguards and security.

However, as the Global Partnership neared its 10 year conclusion in 2012, the partners began to realize that the programs and activities of the initiative had to evolve to reflect changes in the threat of WMD terrorism that faced the world. The threat of WMD terrorism does not originate from any one region but it is a global threat; the threat is not limited to nuclear submarines and chemical weapons, and more nations need to play a role in the work to reduce the threat. With this in mind, the Global Partnership worked towards extending the mandate of the Global Partnership beyond 2012 and to be much more global in its activities and in its spirit.

In the G8 Global Partnership Assessment and Options for Future Programming document of 2011, the GP noted some activities it could engage in the area of nuclear and radiological security under an extended mandate beyond 2012. Those areas include the following:

Projects related to the 4 year effort to secure all vulnerable nuclear material;

Physical protection of nuclear material and facilities in use, storage and transport;

Provision of radiation detection equipment and training at land borders and ports to prevent illicit trafficking;

Improvement of countries' capacities in nuclear security and detection and prevention of nuclear smuggling;

Protection or removal of radiological sources and implementation of the IAEA Code of Conduct;

Capacity building to either establish or enhance efficiency of national export control systems, including missile technology transfers; and

Support of implementation, on a voluntary basis, of the political commitments made at the 2010 Nuclear Security Summit and those reflected in the Nuclear Security Summit Communiqué and Work Plan.”

The GP could also focus on priorities established at the 2012 Nuclear Security Summit and look for areas where the GP can help to facilitate progress and encourage program implementation toward those priorities.

The GP recognized the links between its mission and the Nuclear Security Summit process, which aims to enhance the physical protection of nuclear materials and strengthen capacities to prevent illicit trafficking. For example, the Global Partnership is already a critical mechanism for implementing the political commitments arising from the Summits.

More broadly, the GP provides its members a forum to discuss specific Summit-related activities appropriate for GP engagement and coordination, to exchange information on current GP member program activities and those of the relevant IOs, and to identify potential gaps and specific opportunities for GP members to partner or leverage each others' implementation efforts.

A more dedicated focus on nuclear and radiological security within the GP could contribute in the area of nuclear and radiological security by:

Providing a forum for communication between countries, international organizations, non-governmental organizations, representatives from Centers of Excellence (CoEs) and CBRN threat mitigation support centers, and other GP participants to identify or deepen specific opportunities for cooperation and partnering

Helping to raise the profile of key Nuclear Security Summit priorities

Developing tangible implementation areas that directly benefit the advancement of nuclear security globally.

At the G8 Summit in Deauville, France, in 2011, the Leaders decided to extend the Global Partnership beyond 2012 and to bring it more in line with what is needed to combat today's WMD threats.

While some funds will still be dedicated to activities in Russia, the Leaders mandated that the partners also focus more programming globally in the area of nuclear and radiological security, biosecurity, scientist engagement, and particularly for implementation of UNSCR 1540. The leaders also agreed to “work with all partners in discussing assistance needs and coordinating possible projects in the above-mentioned areas.”

Leaders also agreed that new members should be sought so that the partnership will have a truly global representation and, as a result, the GP has done outreach with a number of countries about joining. In this respect, the GP has reached out to some countries in Asia.

As a deliverable at the 2012 Nuclear Security Summit, the GP submitted a joint statement that highlighted the funding by GP members to the IAEA Nuclear Security Fund (NSF), from January 2010 to March 2012. The NSF was created in 2001 to support the IAEA's nuclear security related activities, including those to prevent, detect, and respond to nuclear terrorism. The statement noted that since January 2010, Global Partnership countries contributed more than \$55 million to the NSF. Because 24 of 25 GP members are also participants in the Nuclear

Security Summit process, areas of synergy between the Global Partnership and the Summit process can be developed and strengthened.

At the October GP meeting, the Global Partnership agreed to establish a Nuclear and Radiological Security Sub-working Group. Its first meeting will take place next week in London, at the first meeting of the GP under the UK Chairmanship. The work effort associated with the NSRWG should be supportive of member nations' work leading up to the 2014 Summit.

* * * *

On June 17, 2013, the U.S. Department of State issued a media note welcoming the Philippines as the 26th member of the Global Partnership. The media note, available at www.state.gov/r/pa/prs/ps/2013/06/210737.htm, states: "The Philippines' membership marks an important expansion of Southeast Asian representation in the GP, a subsidiary body of the G8, which addresses nuclear and radiological security, biosecurity, chemical security, and scientist engagement, as well as facilitates the implementation of UN Security Council Resolution 1540 through cooperative projects."

D. IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1540

On January 31, 2013, Ambassador Jenkins addressed the 24th UN Conference on Disarmament. Her remarks are available in full at www.state.gov/t/isn/rls/rm/2013/203779.htm. Excerpts below relate to UN Security Council Resolution 1540. Other excerpts from Ambassador Jenkins' remarks appear in sections B.4 and C. *supra*.

* * * *

The prevention of nuclear terrorism in Asia and globally cannot be effectively achieved without the full implementation of UN Security Council Resolution 1540. The resolution, unanimously adopted by the Security Council, identified the threat posed by the nexus of terrorists and proliferation of nuclear, chemical, biological weapons, their means of delivery and related materials. It creates legally binding obligations on all States to not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear weapons or their means of delivery. It also obliges all States to take appropriate measures to ensure the security of production, use, storage, and transport of nuclear weapons related materials, among other requirements, as a means to deny access to these items by non-state actors and reduce our vulnerability to nuclear terrorism. UNSCR 1540 provides a clear roadmap for States in regard to developing and implementing protective measures, establishing

border, export, and financial controls, and the use of effective laws and regulations to achieve the goal of reducing and eliminating the threat of nuclear terrorism, and is an indispensable component of the formula to ensure international peace and security.

Within the Asia-Pacific region, the United States believes that regional cooperation is a highly effective strategy to pursue 1540 implementation, and can be utilized to develop strong practices to prevent nuclear terrorism throughout the entire region. The United States supports efforts by the ASEAN Regional Forum and other regional and sub-regional organizations in the Asia-Pacific region in their efforts to promote full implementation of UNSCR 1540. Such organizations can provide leadership in education and awareness, develop effective practices, engage in capacity-building, and serve as an information clearinghouse for the countries in the region seeking guidance on 1540 implementation and ways to reduce the threat of nuclear terrorism. The United States stands ready to work cooperatively with other nations, regional and intergovernmental organizations, industry, and civil society in the Asia-Pacific region to reach the goal of universal implementation of this critically important resolution as part of our effort to eliminate the threat of nuclear terrorism.

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E. PROLIFERATION SECURITY INITIATIVE

On May 28, 2013, the United States met with the more than 70 other partner states of the Proliferation Security Initiative (“PSI”) to mark the PSI’s tenth anniversary. A State Department media note issued on the occasion of the tenth anniversary meeting is available at www.state.gov/r/pa/prs/ps/2013/05/210010.htm and excerpted below.

* * * *

On May 28, the United States, Poland, and 70 other partner states of the Proliferation Security Initiative (PSI), and three international organizations marked the Tenth Anniversary of the PSI with a High-Level Political Meeting in Warsaw. Acting Under Secretary of State for Arms Control and International Security Rose Gottemoeller led the U.S. delegation to the event.

At the meeting, PSI partners recognized the critical role the Initiative has played in countering the spread of weapons of mass destruction (WMD). The U.S. welcomed the announcements by PSI states to take specific, concrete steps to further the Initiative in the years ahead, which includes deterring proliferators through more regular and robust PSI exercises; promoting legally binding international treaties to criminalize international WMD-related trafficking by commercial ships and aircraft; sharing expertise and resources to build critical interdiction capabilities and practices; and expanding the influence of the PSI globally through outreach to new states and the public. Over 70 states affirmed four joint statements pledging specific actions in these areas.

As one part of these efforts, the United States announced its intention to join with five other PSI states to form an annual rotation of PSI exercises in the Asia-Pacific region and to promote similar efforts in other regions. These exercises will help strengthen the capacity of partner states to interdict WMD-related cargoes; and the expansion of bilateral and multilateral outreach efforts to potential PSI endorsers, international and regional institutions and associations, and the public. The United States also pledged to finalize accession to two key international treaties that criminalize the trafficking in WMD using commercial ships and aircraft, the 2005 Protocol to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (“SUA Protocol”) and the 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation (“Beijing Convention”).

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F. CHEMICAL AND BIOLOGICAL WEAPONS

1. Chemical Weapons

The landmark achievement in 2013 in the area of preventing proliferation of chemical weapons is the international commitment embodied in a UN Security Council Resolution (“UNSCR”) to rid Syria of its chemical weapons in cooperation with the Organization for the Prohibition of Chemical Weapons (“OPCW”). Leading up to that UNSCR, the United States took a firm stand condemning the Syrian government’s use of chemical weapons in the ongoing civil war in Syria. On March 21, 2013, Ambassador Rice welcomed the announcement by UN Secretary-General Ban Ki-Moon regarding the UN’s planned investigation into the use of chemical weapons in Syria. Ambassador Rice’s statement is excerpted below and available at

<http://usun.state.gov/briefing/statements/206494.htm>.

* * * *

The United States welcomes today’s announcement by United Nations Secretary-General Ban Ki-moon regarding an investigation into the possible use of chemical weapons in Syria. The United States supports an investigation that pursues any and all credible allegations of the possible use of chemical weapons in Syria, and underscores the importance of launching this investigation as swiftly as possible. We demand the full cooperation of the Assad regime in particular, as well as Syrian authorities throughout the country, including by providing full and unfettered access to all relevant individuals and locations. In addition, humanitarian workers seeking to assist injured individuals should be given complete access to provide medical care and assistance as needed.

We call on the Organization for the Prohibition of Chemical Weapons to provide full support to the UN's investigation, including information, expertise, and resources. As the UN proceeds with these efforts, we will also continue to work closely with our partners to obtain further information regarding any and all credible allegations of the potential or actual use of chemical weapons in Syria.

President Obama has been clear that the use or transfer of chemical weapons is totally unacceptable. If Bashar Al-Assad and those under his command make the mistake of using chemical weapons, or fail to meet their obligation to secure them, then there will be consequences. Those responsible will be held accountable.

* * * *

Ambassador Rice again condemned the Syrian government's use of chemical weapons on June 14, 2013 in remarks at the UN Security Council after the United States delivered a letter to the Secretary-General providing the U.S. assessment that the Assad regime had used chemical weapons, including sarin, against the Syrian opposition on multiple occasions. Her remarks are available at <http://usun.state.gov/briefing/statements/210674.htm>. Ambassador Rice said:

We believe that the Assad regime maintains control of these weapons. We have no reliable, corroborated reporting to indicate that the opposition has acquired or used chemical weapons.

We regret that the Assad regime has failed to cooperate with the United Nations investigation by providing the necessary unfettered access and the ability to investigate any and all credible allegations of chemical weapons use.

We will continue our own investigation and analysis, along with friends and allies, even as we continue to maintain that the United Nations investigation should be allowed to go forward.

The Assad regime could prove that its request for a UN investigation was not just a diversionary tactic by granting the UN fact-finding mission immediate and unfettered access to conduct on-site investigations to help elucidate the truth about chemical weapons use in Syria.

On June 7, 2013, the Chair of the Australia Group issued a press release at the conclusion of its annual plenary which addressed the developments in Syria. The Australia Group is a voluntary organization which seeks to counter the proliferation of chemical and biological weapons. The press release at the conclusion of the 2013 Australia Group Plenary, excerpted below, is available at www.state.gov/t/isn/rls/prsrl/2013/210581.htm.

* * * *

[T]he Group reaffirmed its view that chemical weapons in Syria continue to pose a serious threat of further destabilising the Middle East and a challenge to global non-proliferation norms. Australia Group members are gravely concerned by the growing body of evidence pointing to the use of chemical weapons and by the danger of more and larger-scale use. The threat of chemical weapon use on the people of Syria underlines the necessity for the complete eradication of chemical weapons for all time and for the universalisation of the CWC.

The Australia Group underlined that the use of chemical weapons under any circumstances is unacceptable and against the legal norms of the international community. The Group urged support for the UN mission to investigate all allegations of chemical weapon use in Syria.

The Australia Group Plenary urged all parties to the Syrian conflict to renounce chemical weapons and their use in any circumstances, and to take steps to eliminate all stocks of those weapons. In the meantime Syria must assure the international community about the security of its chemical weapons stockpiles.

Building on its appeal at the 2012 Plenary, Australia Group participants emphasised the need for all countries to exercise increased vigilance with regard to dual-use exports to Syria of items potentially relevant to chemical and biological weapons, and to subject such exports to Syria to particular scrutiny.

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On September 10, 2013, the State Department published its formal determination regarding chemical weapons use in Syria under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. 78 Fed. Reg. 55,326 (Sep. 10, 2013). The notice stated:

The United States Government has determined on August 2, pursuant to Section 306(a) of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, 22 U.S.C. 5604(a), that the Government of Syria has used chemical weapons in violation of international law or lethal chemical weapons against its own nationals.

In addition, the United States Government has determined and certified to Congress pursuant to section 307(d) of the Act (22 U.S.C. 5605(d)) that it is essential to the national security interests of the United States to partially waive the application of the sanctions required under Section 307(a) of the Act (22 U.S.C. 5605(a)) with respect to activities in furtherance of United States policies regarding the Syrian conflict.

On December 4, 2013, the State Department made the further determination of additional sanctions required within three months of the original sanctions determination on August 2, in accordance with the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. 78 Fed. Reg. 74,218 (Dec. 10, 2013). The U.S. government decided on November 1, 2013 to impose such additional sanctions on the Government of Syria. The U.S. government also determined “that it is essential to the national security interests of the United States to partially waive the application of these additional sanctions with respect to activities in furtherance of United States policies regarding the Syrian conflict.” *Id.* The additional sanctions imposed are: (1) a prohibition on U.S. bank loans, except for purchasing food or other agricultural products; (2) further export restrictions; (3) suspension of the authority of foreign air carriers owned or controlled by Syria to engage in transportation to or from the United States.

The Syrian government carried out a chemical weapons attack in the suburbs of Damascus on August 21, 2013, causing mass civilian casualties. The U.S. government’s assessment of the attack is available at www.whitehouse.gov/the-press-office/2013/08/30/government-assessment-syrian-government-s-use-chemical-weapons-august-21. In September 2013, under mounting international pressure, the Syrian government acceded to the Chemical Weapons Convention and expressed its unilateral intention to provisionally apply the CWC pending its entry into force for Syria on October 14, 2013. In light of this action, the United States Government and the Russian Government met to work out a framework document to guide the elimination of Syria’s chemical weapons program. The State Department issued the following media note on September 14, 2013, available at www.state.gov/r/pa/prs/ps/2013/09/214247.htm, providing the Framework for Elimination of Syrian Chemical Weapons.

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Taking into account the decision of the Syrian Arab Republic to accede to the Chemical Weapons Convention and the commitment of the Syrian authorities to provisionally apply the Convention prior to its entry into force, the United States and the Russian Federation express their joint determination to ensure the destruction of the Syrian chemical weapons program (CW) in the soonest and safest manner.

For this purpose, the United States and the Russian Federation have committed to prepare and submit in the next few days to the Executive Council of the OPCW a draft decision setting down special procedures for expeditious destruction of the Syrian chemical weapons program and stringent verification thereof. The principles on which this decision should be based, in the view of both sides, are set forth in Annex A. The United States and the Russian Federation

believe that these extraordinary procedures are necessitated by the prior use of these weapons in Syria and the volatility of the Syrian civil war.

The United States and the Russian Federation commit to work together towards prompt adoption of a UN Security Council resolution that reinforces the decision of the OPCW Executive Council. This resolution will also contain steps to ensure its verification and effective implementation and will request that the UN Secretary-General, in consultation with the OPCW, submit recommendations to the UN Security Council on an expedited basis regarding the UN's role in eliminating the Syrian chemical weapons program.

The United States and the Russian Federation concur that this UN Security Council resolution should provide for review on a regular basis the implementation in Syria of the decision of the Executive Council of the OPCW, and in the event of non-compliance, including unauthorized transfer, or any use of chemical weapons by anyone in Syria, the UN Security Council should impose measures under Chapter VII of the UN Charter.

The proposed joint US-Russian OPCW draft decision supports the application of Article VIII of the Chemical Weapons Convention, which provides for the referral of any cases of non-compliance to the United Nations General Assembly and the United Nations Security Council. In furtherance of the objective to eliminate the Syrian chemical weapons program, the United States and the Russian Federation have reached a shared assessment of the amount and type of chemical weapons involved, and are committed to the immediate international control over chemical weapons and their components in Syria. The United States and the Russian Federation expect Syria to submit, within a week, a comprehensive listing, including names, types, and quantities of its chemical weapons agents, types of munitions, and location and form of storage, production, and research and development facilities.

We further determined that the most effective control of these weapons may be achieved by removal of the largest amounts of weapons feasible, under OPCW supervision, and their destruction outside of Syria, if possible. We set ambitious goals for the removal and destruction of all categories of CW related materials and equipment with the objective of completing such removal and destruction in the first half of 2014. In addition to chemical weapons, stocks of chemical weapons agents, their precursors, specialized CW equipment, and CW munitions themselves, the elimination process must include the facilities for the development and production of these weapons. The views of both sides in this regard are set forth in Annex B. The United States and the Russian Federation have further decided that to achieve accountability for their chemical weapons, the Syrians must provide the OPCW, the UN, and other supporting personnel with the immediate and unfettered right to inspect any and all sites in Syria. The extraordinary procedures to be proposed by the United States and the Russian Federation for adoption by the OPCW Executive Council and reinforced by a UN Security Council resolution, as described above, should include a mechanism to ensure this right.

Under this framework, personnel under both the OPCW and UN mandate should be dispatched as rapidly as possible to support control, removal, and destruction of Syria's chemical weapons capabilities.

The United States and the Russian Federation believe that the work of the OPCW and the UN will benefit from participation of the experts of the P5 countries.

The United States and the Russian Federation strongly reiterate their position on Syria as reflected in the Final Communiqué of the G-8 Summit in Northern Ireland in June 2013, especially as regards chemical weapons.

The two sides intend to work closely together, and with the OPCW, the UN, all Syrian parties, and with other interested member states with relevant capabilities to arrange for the security of the monitoring and destruction mission, recognizing the primary responsibility of the Syrian Government in this regard.

The United States and the Russian Federation note that there are details in furtherance of the execution of this framework that need to be addressed on an expedited basis in the coming days and commit to complete these details, as soon as practicable, understanding that time is of the essence given the crisis in Syria.

Annex A

Principles for Decision Document by OPCW Executive Council

1. The decision should be based on para 8. Art. IV and para. 10 of Art V of the CWC.
2. The decision should address the extraordinary character of the situation with the Syrian chemical weapons.
3. The decision should take into account the deposit by Syria of the instrument of accession to the CWC.
4. The decision should provide for the easy accessibility for States Parties of the information submitted by Syria.
5. The decision should specify which initial information Syria shall submit to the OPCW Technical Secretariat in accordance with a tightly fixed schedule and also specifies an early date for submission of the formal CWC declaration.
6. The decision should oblige Syria to cooperate fully on all aspects of its implementation.
7. The decision should address a schedule for the rapid destruction of Syrian chemical weapons capabilities. This schedule should take into account the following target dates:
 - A. Completion of initial OPCW on-site inspections of declared sites by November.
 - B. Destruction of production and mixing/filling equipment by November.
 - C. Complete elimination of all chemical weapons material and equipment in the first half of 2014.

The shortest possible final deadline, as well as intermediate deadlines, for the destruction of Syrian chemical weapons capabilities should be included into the schedule.

8. The decision should provide stringent special verification measures, beginning within a few days, including a mechanism to ensure the immediate and unfettered right to inspect any and all sites.

9. The decision should address the issue of duties of the OPCW Technical Secretariat in this situation and its need for supplementary resources to implement the decision, particularly technical and personnel resources, and call upon states with relevant capacities to contribute to this end.

10. The decision should refer to the provisions of the CWC obliging the Executive Council, in cases of non-compliance with the Convention, to bring the issues directly to the attention of the UN General Assembly and the UN Security Council.

Annex B

Joint Framework on Destruction of Syrian CW

The Russian Federation and the United States of America agree on the need to achieve rapid elimination of Syria's chemical weapons, thus reducing the threat posed to the people of Syria. They are each prepared to devote high-level attention and resources to support the monitoring and destruction mission of the OPCW, both directly and in cooperation with the United Nations and other States concerned. They agree to set an ambitious goal of eliminating the threat in a rapid and effective manner.

Both parties agree that a clear picture of the state of Syrian chemical weapons could help advance a cooperative development of destruction options, including possible removal of chemical weapons outside of the Syrian territory. We agree on the importance of rapid destruction of the following categories:

1. Production equipment
2. Mixing and filling equipment
3. Filled and unfilled weapons and delivery systems
4. Chemical agents (unweaponized) and precursor chemicals. For these materials, they will pursue a hybrid approach, i.e., a combination of removal from Syria and destruction within Syria, depending upon site-specific conditions. They will also consider the possibility of consolidation and destruction in the coastal area of Syria.
5. Material and equipment related to the research and development of chemical weapons

The two parties agree to utilize the "universal matrix", developed in the course of consultations by our two National Security Councils, as the basis for an actionable plan. They agree that the elimination of chemical weapons in Syria should be considered an urgent matter to be implemented within the shortest possible time period.

The parties agree to set the following target dates:

- A. Completion of initial OPCW on-site inspections by November.
- B. Destruction of production and mixing/filling equipment by November.
- C. Complete elimination of all chemical weapons material and equipment in the first half of 2014.

The Russian Federation and the United States will work together closely, including with the OPCW, the UN and Syrian parties to arrange for the security of the monitoring and destruction mission, noting the primary responsibility of the Syrian government in this regard.

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As described in the framework above, the United States and Russia accepted that a UN Security Council resolution would be essential to proceeding with the plan to eliminate Syrian chemical weapons. On September 26, 2013, U.S. Ambassador to the UN

Samantha Power^{***} addressed the Security Council after the tabling of a draft resolution. Her remarks, excerpted below, are available in full at <http://usun.state.gov/briefing/statements/214832.htm>.

* * * *

Just two weeks ago, tonight's outcome seemed utterly unimaginable. Two weeks ago the Syrian regime had not even acknowledged the existence of its chemical weapons stockpiles. But tonight we have a shared draft resolution that is the outcome of intense diplomacy and negotiations over the past two weeks.

Our overarching goal was and remains the rapid and total elimination of Syria's chemical weapons program. This is a class of weapons that the world has already judged must be banned because their use is simply too horrific. This is a fundamental belief shared by the United States, all members of the Security Council and 98% of the world.

Tonight, the Council discussed a draft resolution that will uphold this international norm by imposing legally binding obligations on Syria—on the government—to eliminate this chemical weapons program.

This resolution will require the destruction of a category of weapons that the Syrian government has used ruthlessly and repeatedly against its own people. And this resolution will make clear that there are going to be consequences for noncompliance.

This is very significant. This is the first time since the Syria conflict began 2 ½ years ago that the Security Council has imposed binding obligations on Syria—binding obligations of any kind. The first time. The resolution also establishes what President Obama has been emphasizing for many months: that the use of chemical weapons anywhere constitutes a threat to international peace and security. By establishing this, the Security Council is establishing a new international norm.

As you know, we went into these negotiations with a fundamental red line, which is that we would get in this resolution a reference to Chapter VII in the event of non-compliance, that we would get the Council committing to impose measures under Chapter VII if the Syrians did not comply with their binding, legal obligations.

If implemented fully, this resolution will eliminate one of the largest previously undeclared chemical weapons programs in the world, and this is a chemical weapons program—I don't have to tell you—that has sat precariously in one of the most volatile countries and in one of the most horrific civil wars the world has seen in a very long time.

In the span of a few weeks, the curtain that hid this secret chemical weapons program has been lifted and the world is on the verge of requiring that these terrible weapons to be destroyed.

This resolution breaks new ground in another critical respect. For the first time, the Security Council is on the verge of coming together to endorse the Geneva Communiqué, calling

^{***} Editor's Note: Susan Rice left her post as U.S. Ambassador to the UN on June 25, 2013 to become National Security Adviser to President Obama. On August 5, 2013 Samantha Power was sworn in as U.S. Ambassador to the UN.

for the establishment of a transitional governing body with full executive powers. If adopted, we will have achieved what we were unable to do before—unable to do for the last 2 ½ years—which is to fully endorse the Communiqué and call for the convening, as soon as possible, of an international conference on its implementation.

As Ambassador Churkin, with whom we've worked very productively, has just stated, we are hoping for a vote tomorrow in the OPCW Executive Council on the OPCW Executive Council decision. And then in the wake of that vote – and we hope in the immediate wake of that vote—we would have Security Council adoption of this text, which we are optimistic is going to be received very warmly. We're optimistic for an overwhelming vote.

Before closing, just let me—bear in mind, or note that we should bear in mind, even as we express appreciation for the cooperation that brought us to this moment—but let us bear in mind the sobering catalyst for all of this: the use on August 21st of chemical weapons against people who were just sleeping in their beds, against children who will never get to share their dreams.

The precipitant for this effort was as ghastly as anything we have ever seen. And I think the Council members are well aware of that. A number of the Council members referred to the events of August 21 and the importance of keeping the victims of that attack and other chemical weapons attacks in their minds as we seek to move forward.

The second sobering note, of course, goes beyond chemical weapons, which is that every day Syrians are dying by artillery, by air power, by Scuds. This monstrous conflict has to come to an end. And we are hopeful that the spirit of cooperation that we carried from Secretary Kerry and Foreign Minister Lavrov's negotiations in Geneva back to New York, that that spirit of cooperation will carry over now on humanitarian issues and, fundamentally, on the political solution we all know is needed to this horrific conflict.

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On September 27, 2013, Secretary Kerry also addressed the Security Council during its consideration of the resolution on Syria's chemical weapons. His remarks, excerpted below, are available at

www.state.gov/secretary/remarks/2013/09/214890.htm.

* * * *

Five weeks ago, the world saw rows upon rows of murdered children lying on a hospital floor alone or beside slain parents, all wrapped in un-bloodied burial shrouds. And the world's conscience was shocked, but our collective resolved hardened. Tonight, with a strong, enforceable, precedent-setting resolution requiring Syria to give up its chemical weapons, the United Nations Security Council has demonstrated that diplomacy can be so powerful, it can peacefully defuse the worst weapons of war.

So tonight, we are declaring together, for the first time, that the use of chemical weapons, which the world long ago determined beyond the bounds of acceptable human behavior, are also a threat to international peace and security anywhere they might be used, anytime they might be used, under any circumstances. As a community of nations, we reaffirm our responsibility to defend the defenseless, those whose lives remain at risk every day that anyone believes they can use weapons of mass destruction with impunity. Together, the world, with a single voice for the first time, is imposing binding obligations on the Assad regime requiring it to get rid of weapons that have been used to devastating effect as tools of terror. This important resolution reflects what President Obama and President Putin and colleagues around the world set out to do.

I want to thank Foreign Minister Lavrov for his personal efforts and cooperation, beginning before Geneva and continuing through this week, so that we could find common ground. I also want to thank my good friends and counterparts, Foreign Secretary Hague and Foreign Minister Fabius, who have been partners every step of the way.

Our original objective was to degrade and deter Syria's chemical weapons capability, and the option of military force that President Obama has kept on the table could have achieved that. But tonight's resolution, in fact, accomplishes even more. Through peaceful means, it will for the first time, seek to eliminate entirely a nation's chemical weapons capability, and in this case specifically Syria's. On-site inspections of the places that these weapons are stored will begin by November, and under the terms of this agreement, those weapons will be removed and destroyed by the middle of next year.

Our aim was also to hold the Assad regime publicly accountable for its horrific use of chemical weapons against its own people on August 21st. And this resolution makes clear that those responsible for this heinous act must be held accountable.

In this resolution, the Council has, importantly, endorsed the Geneva Communique, which calls for a transfer of power to a transitional governing body, paving the way for democratic elections and a government that can be chosen by the people of Syria to represent the people of Syria.

We sought a legally binding resolution, and that is what the Security Council has adopted. For the first time since Syria's civil war began, the Security Council is spelling out in detail what Syria must do to comply with its legal obligations. Syria cannot select or reject the inspectors. Syria must give those inspectors unfettered access to any and all sites and to any and all people.

We also wanted a resolution that would be enforced. And again, that is what the Security Council has adopted. We are here because actions have consequences. And now, should the regime fail to act, there will be consequences. Progress will be reported back to the Security Council frequently, and in the event of noncompliance, the Council will impose measures under Chapter 7 of the UN Charter.

Just two weeks ago, when the Syrian regime would not even acknowledge the vast supply of chemical weapons and say that they existed, this outcome, frankly, would have been utterly unimaginable. But thanks to the cooperation within the P-5 of the United Nations, and thanks to our friends and partners around the world, many of whom are here in this room, the Security Council has shown that when we put aside politics for the common good, we are still capable of

doing big things. Provided this resolution is fully implemented, we will have eliminated one of the largest chemical weapons programs on earth from one of the most volatile places on earth.

The Assad regime carries the burden of meeting the terms of this agreement. And when it comes to those who murder their own citizens, the world's patience needs to be short. But make no mistake: The rest of the world still carries the burden of doing what we must do to end mass killing by other means. We must work together with the same determination and the same cooperation that has brought us here tonight in order to end the conflict that continues to tear Syria apart even this very day. We must continue to provide desperately needed humanitarian aid. And neither Assad nor anyone else should stand between that aid and the people who need it. Only when we do these things will we have fulfilled our responsibility to the Syrian people and to ourselves. Only then will we have advanced our own interests and our own security and that of our allies in the region. Only then will we have shown that the UN Security Council is meeting its responsibility to enforce international peace and security.

So we are here united tonight in support of our belief that international institutions do matter, that international norms matter. We say with one voice that atrocities carried out with the world's most heinous weapons will not be tolerated. And when institutions like the Security Council stand up to defend the principles and values that we all share, when we put violent regimes on notice that the world will unite against them, it will lead not only to a safer Syria, but it will lead to a safer world.

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On September 27, 2013, at the 33rd meeting of the Executive Council of the OPCW, U.S. Permanent Representative to the OPCW Robert Mikulak delivered remarks regarding Syrian chemical weapons. Ambassador Mikulak's remarks are excerpted below and were circulated as an official document of the conference. OPCW Doc. No. EC-M-33/NAT.17.

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By any measure, this meeting of the Executive Council is the most important held in the 16-year history of the Chemical Weapons Convention. Everything about the matter we address here today is extraordinary. After years of denial, the Assad regime has finally admitted to the international community that it possesses a chemical weapons stockpile; a stockpile present in a State ravaged by a more than two-year long civil war that has already claimed more than 100,000 lives. What the regime continues to deny to the world is the lives it has taken over the last year through the use of chemical weapons against its own people. Only a month ago, on 21 August, regime forces unleashed the nerve agent sarin against an opposition-controlled suburb of Damascus killing 1,400 innocent men, women, and children. The report by the United Nations Investigation Mission conclusively found that sarin was used in this brutal incident. The Head of

the United Nations Mission, Dr Åke Sellström, noted that “[t]his result leaves us with the deepest concern.”

Just three weeks ago, in the wake of the horrifying events of 21 August, the United States and the Russian Federation undertook an intensive diplomatic effort to prevent further use of chemical weapons in Syria. Secretary Kerry and his Russian counterpart Sergei Lavrov were able to find common ground through the same vision that binds us all as States Parties to the Chemical Weapons Convention—our commitment, for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons. On 14 September, this diplomatic initiative successfully yielded the “Framework for the Elimination of Syrian Chemical Weapons.”

The Kerry-Lavrov framework provided fundamental principles and an ambitious plan for eliminating the Assad regime’s chemical weapons programme, which are now embedded in the decision adopted by this Executive Council on 27 September as well as in the United Nations Security Council resolution adopted the same day. It is uncertain, however, whether the regime will follow through and faithfully implement those requirements. Let us not forget that just one month ago, the Syrian regime gassed civilians in a Damascus suburb in blatant violation of international law. Prudence requires that we be both determined and circumspect, hopeful and cautious.

Since its inception, the implementation of the Chemical Weapons Convention has been predicated upon the assumed good faith of new States Parties. In this extraordinary case, however, good faith cannot and should not be assumed. It would be foolhardy while leaving the people of Syria at a continued risk of chemical attack if we were to simply assume that Syria has, in but a single month, undergone a heartfelt moral and political transformation. Certainly, public outrage, the threat of military action and international pressure have been the most critical factors in prompting the apparent shift in the calculus of the Syrian Government.

By using chemical weapons, the Assad regime chose a path that is repugnant to the conscience of mankind. On 14 September, the regime deposited its instrument of accession to the Chemical Weapons Convention with the United Nations Secretary-General, and expressed its intention to be bound immediately pending the Convention’s entry into force for Syria. On 19 September, it submitted preliminary information to the OPCW Technical Secretariat regarding its chemical weapons programme. The United States acknowledges the importance of Syria’s actions in this regard, but with guarded optimism. Syria, however, has ascended only the first rungs of the ladder. We must with open eyes see if it truly intends to climb the rest of the way. The next few weeks will be an important test of Syria’s commitment to the decision the Council has adopted, to its obligations under the resolution of the United Nations Security Council, and to the obligations under the Convention.

-- By 4 October, Syria must submit to the Technical Secretariat further and more detailed information on its chemical weapons programme to supplement the information it provided on 19 September.

-- By 27 October, Syria must submit to the Technical Secretariat the very comprehensive declaration required under Articles III and VI of the Convention.

-- Also by 27 October, Syria must submit a general destruction plan for its chemical weapons programme. Given the expedited destruction timelines embedded in the Executive Council decision, this plan will need to be detailed and comprehensive, especially with respect to the destruction of production and mixing/filling equipment which must be completed by 1 November under OPCW verification.

-- OPCW inspectors are now in Syria to conduct inspections at all chemical weapons facilities in Syria. It remains to be seen if Syria will fully cooperate with the OPCW and accord inspectors the immediate and unfettered right of access to any and all sites mandated by the Council decision and the Security Council resolution.

Last Friday night, the OPCW Executive Council—followed shortly thereafter by the United Nations Security Council—turned the promise of the framework between Russia and the United States into an international plan for achieving the complete elimination of all chemical weapons in Syria. This is a truly historic development. However, effective verification and vigilant commitment on the part of the Technical Secretariat, the Executive Council, and all the States Parties to the Convention will be essential to successfully complete the journey to a Syria completely free of chemical weapons.

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On October 24, 2013, the U.S. delegation participated in the 68th UN General Assembly First Committee thematic discussion on other weapons of mass destruction. Katharine C. Crittenberger spoke on behalf of the U.S. delegation in remarks excerpted below and available at www.state.gov/t/avc/rls/2013/215839.htm.

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A year ago in this forum, as reports of chemical weapons use in Syria were prompting increasing concerns, the United States emphasized the very real possibility that the world may be faced with a situation where the use of chemical weapons could become a reality. With the confirmation of the senseless killing, on August 21, of over 1000 Syrians including hundreds of young children by the use of chemical weapons, the world saw that horrible reality come true. The United States and the international community quickly and unconditionally condemned such actions. We continue to stand firm on such use as reprehensible; it goes against what has been an international norm for nearly a century. The use of chemical weapons anywhere constitutes a threat to international peace and security.

It remains our overarching goal, and that of 98% of the world community, to exclude completely the possibility of the use of chemical weapons. However, the United States believes that such a commitment should be reflected in deeds and not just words, which is why the United States was prepared to take the action that led to the historic U.S.-Russia Framework and subsequently the adoption on September 27th of the Organization for the Prohibition of Chemical Weapons (OPCW) Executive Council Decision and UN Security Council Resolution 2118, that

imposes legally binding obligations on Syria to cooperate fully in the rapid elimination of its chemical weapons program under stringent verification procedures.

The fact that just a month ago the Syrian regime did not even acknowledge it possessed chemical weapons, and now inspectors are not only on the ground but they are overseeing the initial stages of destruction, is a step forward. UN Security Council Resolution 2118 requires that the Syrian Government provide the OPCW, the UN and designated personnel with immediate and unfettered access to any and all sites in Syria. Such access will be critical for the elimination of the Syrian CW program. The OPCW reports that the process of destroying Syria's chemical weapons program began on October 6. We believe that the OPCW, UN and other designated personnel on the ground will see whether the Syrians are prepared to allow this kind of access and consent to efforts to move forward rapidly and comprehensively. It is now up to the Syrian Government and there is clearly more work to be done. The international community will be paying close attention to whether the Syrian regime is abiding by all of its obligations under the Chemical Weapons Convention, OPCW Executive Council decision and UNSCR 2118.

In this regard, we welcome and strongly support the successful efforts of the Director General of the OPCW, Ahmet Uzumcu, and the extraordinary work being done by him and the experts in the OPCW Technical Secretariat. The recent awarding of the Nobel Peace Prize to the OPCW for its long-standing efforts to eliminate chemical weapons is further validation of its commitment and resolve toward eliminating an entire class of WMD. The OPCW has been instrumental in verifying the elimination of chemical weapons around the world and is dedicated to the vision of a world free of chemical weapons and the prevention of the reemergence of such weapons.

It is also equally important to recognize UN Secretary-General Ban Ki-moon and his staff of professionals who are partnering with the OPCW in the important work going on in Syria. We acknowledge the bravery and professionalism of the staffs that make up the OPCW-UN teams and the important mission they have undertaken despite the dangers involved. Their efforts are to be commended and remembered.

Mr. Chairman,

On other CWC related matters, the OPCW held its Third CWC Review Conference (RevCon) in April of this year. Its final document provides a strong, balanced, and forward-looking call for continued and improved implementation of the Convention. It provides guidance on chemical weapons for the next five years and focuses on CW destruction, verification, chemical industry, economic cooperation, and preserving the expertise of the Technical Secretariat.

I would like to emphasize that the United States remains encouraged by the progress made by the OPCW in working toward a world free of chemical weapons. Since entry into force of the Chemical Weapons Convention (CWC), the OPCW has accomplished a great deal and remains an indispensable multilateral body with a global responsibility. With a near universal membership of 190 member states, with Somalia and Syria joining this year, over 81% of all declared chemical weapon stockpiles verifiably destroyed, and over 5,200 inspections conducted at military and industry sites since entry into force, we are certainly pleased with what the

OPCW has accomplished. This progress is due to the combined efforts and commitment of States Parties, along with the OPCW's Technical Secretariat.

For our part, the United States has safely destroyed nearly 90 percent of its chemical weapons stockpile under OPCW verification. The United States continues its steadfast commitment to the Chemical Weapons Convention and will continue working in a transparent manner towards the complete destruction of our remaining amount of chemical weapons.

The United States remains fully committed to the nonproliferation of chemical weapons. Such a goal will take commitment from all States Parties and a continued effort in a number of areas to include universality. We recognize that preventing the reemergence of chemical weapons requires a strong inspectorate, a credible industrial verification regime, and enactment by all States Parties of the necessary domestic legal regimes to fully enforce the CWC. These are all areas of vital importance for the success and longevity of the CWC and the Organization responsible for its implementation. In the preamble of the Chemical Weapons Convention, all States Parties "determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons through the implementation of the provisions of this Convention." We must stand together to make this goal a reality.

Mr. Chairman,

The United States, as one of the depositaries of the Biological and Toxin Weapons Convention (BWC), would like to congratulate Cameroon, Guyana, Malawi, the Marshall Islands, and Nauru for becoming States Parties to the Convention since the last meeting of this Committee. The BWC now has 170 States Parties, and we urge all to make efforts toward the universality of this important treaty.

The Seventh BWC Review Conference (RevCon) in 2011 was an opportunity for greater imagination and collective effort in confronting the threat of biological weapons, and for continuing the important work of adapting our international efforts to a changing world and a changing threat. While the RevCon did not achieve everything the United States hoped it would, we were satisfied with the outcome, and believe the stage is set for enhancing the important work of the BWC Intersessional Process.

The RevCon adopted a five-year work plan with agenda items for 2012-2013 on international cooperation and assistance, developments in science and technology (S&T), strengthening national implementation, and Confidence-Building Measures (CBMs). Since then, we have made progress on the work plan, both at the December 2012 BWC Meeting of States Parties, which produced a constructive final report, and at the August 2013 Meeting of Experts, which held useful discussions on many details of these agenda items in a positive atmosphere.

Mr. Chairman,

Discussions and briefings at these two meetings on international cooperation and assistance have demonstrated the diversity and extensiveness of ongoing global exchanges in the life sciences, including in areas of particular importance to the Convention such as biosecurity. With regard to S&T, Parties acknowledged that the rapid pace of technological change presents both challenges and opportunities for the BWC. An important focus was the challenge presented

by dual-use research of concern and the utility of voluntary codes of conduct, education and awareness-raising for addressing it.

States Parties also continued to share information on the status of national implementation of the Convention and on the assistance available for effectively implementing it, and considered ways in which they could promote confidence in their compliance through transparency about implementation. Finally, a range of proposals to enhance the value of CBMs to States Parties were discussed, though it is still unclear why many Parties do not submit CBMs and what challenges they face in making use of them. More broadly, the 2013 BWC meetings reflected the link of the Convention to global health security, emphasizing the need to strengthen adherence to international norms, such as the International Health Regulations, and the value of working with international organizations such as the World Health Organization, the Food and Agriculture Organization, and the World Organization for Animal Health. The United States recognizes that the unique nature of the biological threat makes it essential to accelerate progress to achieve global health security, including international capacity to prevent, detect and respond to infectious disease threats whether the result of a naturally occurring outbreak, accidental release or intentional event.

We look forward to reaching clear understandings and pragmatic, meaningful actions to strengthen the Biological Weapons Convention in each of these areas and demonstrate the value of effective multilateralism at the BWC Meeting of States Parties in December. It is also important for Parties to remember that, while agreeing on new understandings and new actions is important, we all have much work to do, acting individually and in like-minded groups, to implement the obligations of the Convention and the understandings already reached. We should never lose sight of these challenges.

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On October 31, 2013, Secretary Kerry reported on the progress in eliminating Syria's chemical weapons program in a press statement available at www.state.gov/secretary/remarks/2013/10/216143.htm. The October 31st press statement is excerpted below.

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International inspectors have worked with unprecedented speed to accomplish the first milestone in eliminating Syria's chemical weapons and reducing the possibility that they will ever be used again. Now we must make sure the job is finished and that every one of these banned weapons is removed and destroyed. This is meaningful progress which many believed would be impossible. The progress must continue.

We must also be crystal clear that eliminating Syria's chemical weapons is not a substitute for ending the civil war nor does it end the humanitarian catastrophe that continues to unfold. If weapons inspectors can carry out their critical mission, then I refuse to believe we

can't find a way for aid workers to carry out their equally critical mission delivering food and medical treatment to Syrians in need.

But where chemical weapons are concerned, we cannot lose sight of what has been accomplished thus far and what continues every day. Backed by the full weight of the United Nations and the international community, OPCW inspectors have responded to an unspeakable atrocity with unparalleled action. Nothing less would be acceptable after events that shocked the conscience of the world and left 1,400 innocent Syrians dead. Under the U.S.-Russia Framework, Syria must provide all UN and OPCW personnel unfettered access to any and all sites in order to fulfill their critical mission of verifying the full extent, and the eventual elimination, of Syria's chemical weapons program. Syria's obligations are clear, and it will need to fully comply with the requirements established by UNSCR 2118 and the OPCW Executive Council's decision. To borrow from President Reagan's maxim, where the Assad regime is concerned, there is no 'trust,' only 'verify.'

To date, the United States has provided approximately \$6 million in financial and in-kind assistance to support the efforts of the OPCW-UN Joint Mission to eliminate Syria's chemical weapons program, including armored vehicles, training, protective equipment, and medical CW countermeasures for the inspection team. We intend to continue to provide available assistance to help the Joint Mission fulfill its mandate.

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On November 15, 2013, the OPCW Executive Council approved a detailed plan of destruction to eliminate Syria's chemical weapons stockpile. According to the plan, Syrian chemical weapons will be transported for destruction outside the territory to ensure their destruction in the "safest and soonest manner." The plan sets June 30, 2014 as the deadline for completing the destruction.

2. Biological Weapons

On April 8, 2013, the United States congratulated new members of the Biological Weapons Convention in a press release available at www.state.gov/t/isn/rls/prsrl/2013/207204.htm. The press release states:

The Republics of Cameroon, Guyana, Malawi, and Nauru have recently joined the Biological and Toxin Weapons Convention (BWC), bringing the total number of its States Parties to 170. On March 26, 2013, Guyana deposited an instrument of ratification of the BWC with the United States, one of the three depositary states of the Convention. Cameroon (January 18), Nauru (March 5), and Malawi (April 2) have also joined the BWC this year, having deposited instruments of accession also with the United States.

The United States warmly congratulates these countries for taking this significant step. Their actions advance the BWC—one of the pillars of the global architecture against the proliferation of weapons of mass destruction—and its universality, both of which are strongly supported by the United States.

G. BALLISTIC MISSILE DEFENSE

On April 18, 2013, Deputy Assistant Secretary of State Frank Rose delivered remarks in Warsaw, Poland on implementation of the European Phased Adaptive Approach to ballistic missile defense. Mr. Rose’s remarks are excerpted below and available at www.state.gov/t/avc/rls/2013/207679.htm. Mr. Rose delivered similar remarks in Bucharest, Romania on May 1, 2013, available at www.state.gov/t/avc/rls/2013/208667.htm.

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Since 2009, the United States Government has focused on carrying out the vision articulated by President Obama when he announced that the EPAA would “provide stronger, smarter, and swifter defenses of American forces and America’s Allies,” while relying on “capabilities that are proven and cost-effective.”

As you know, we have made great progress in implementing the President’s vision in Europe.

EPAA Phase One gained its first operational elements in 2011 with the start of a sustained deployment of an Aegis BMD-capable multi-role ship to the Mediterranean and the deployment of an AN/TPY-2 radar in Turkey. With the declaration of Interim Operational Capability at the NATO Summit in Chicago, this radar transitioned to NATO operational control.

Demonstrating their support for both NATO and the EPAA, Spain agreed in 2011 to host four U.S. Aegis-capable ships at the existing naval facility at Rota. These ships will arrive in the 2014- 2015 timeframe, in time for EPAA Phase Two.

For Phase Two of the EPAA, we have an agreement with Romania that was ratified in December of 2011 to host a U.S. land-based SM-3 interceptor site beginning in the 2015 timeframe. This site, combined with BMD-capable ships in the Mediterranean, will enhance coverage of NATO from short- and medium-range ballistic missiles launched from the Middle East.

And finally there is Phase 3, which is centered on the first of the three host nations to ratify their hosting agreement – Poland. The Ballistic Missile Defense Agreement between the U.S. and Poland entered into force in September of 2011. This agreement places a land-based

interceptor site, similar to Phase 2, in Redzikowo, and includes the SM-3 Block IIA interceptor. This EPAA Phase 3 site is on schedule and on budget for deployment in the 2018 timeframe. The interceptor site here in Poland will be key to the EPAA. Not only will it protect Poland itself, but when combined with the rest of the EPAA assets, Phase 3 will be able to protect all of NATO Europe against ballistic missile threats from the Middle East.

On March 15, Secretary Hagel announced changes to U.S. missile defense policy to strengthen U.S. homeland missile defenses due to the growing ballistic missile threat from Iran and North Korea. One of these policy changes is that the SM-3 IIB missile defense interceptor program—the core element of EPAA Phase 4—is being restructured into a technology development program.

With the SM-3 IIB interceptor, Phase 4 would have provided an intercept capability against ICBMs launched at the U.S. homeland from the Middle East. But the SM-3 IIB program also experienced significant delays, in part due to the U.S. Congress underfunding this interceptor. So as you know, the SM-3 IIB interceptor will no longer be developed or procured. The United States will instead strengthen its homeland defense by procuring additional Ground Based Interceptors—GBIs—for deployment at our existing missile defense site in Fort Greely, Alaska.

As Secretary Hagel announced, we will increase the number of deployed GBIs from the current 30 to 44, providing a nearly 50 percent increase in our capability.

The other two steps that Secretary Hagel announced include:

- Deploying, with the support of the Japanese Government, an additional AN/TPY-2 radar in Japan. This will provide improved early warning and tracking of any missile launched from North Korea at the United States and/or Japan; and
- Conducting studies for a potential additional GBI site in the United States. While the Obama Administration has not made any decision on whether to proceed with an additional site, conducting these studies would shorten the timeline for construction should that decision be made.

Finally, let me emphasize that the U.S. commitment to Phases One through Three of the EPAA and NATO missile defense remains ironclad, including the planned sites in Poland and Romania. Like the Administration, the U.S. Congress has supported, and continues to support full funding for Phases 1 through 3.

These U.S. missile defense deployments to Europe will provide the necessary capabilities to provide ballistic missile defense coverage of all NATO European territory in the 2018 timeframe.

I know that some may believe that not fielding Phase 4 may weaken the Transatlantic connection of the EPAA. I would tell you that the connection is still strong. I would emphasize that Phases One through Three of the EPAA will continue to provide important contributions to the defense of the United States homeland and U.S. deployed forces in Europe. For example, the radar deployed in Turkey as part of EPAA can provide important early tracking data on any Iranian missile launches against the United States. The interceptor site to be deployed in Poland, as well as BMD-capable ships at sea, will also be key to protecting the U.S. radar at Fylingdales, which is important to the defense of the U.S. homeland.

Cooperation With NATO Allies

Beyond our bilateral cooperation, we have also worked with our NATO Allies, including Poland, to implement a NATO missile defense effort.

After thorough and steady progress within NATO, on May 20-21 of 2012, the NATO Heads of State and Government met in Chicago for a NATO Summit and announced that NATO had achieved an interim BMD capability. This means that the Alliance has an operationally meaningful, standing peacetime BMD capability. NATO also agreed on the BMD-related command and control procedures, designated the Supreme Allied Commander Europe as the commander for this mission, and announced an interoperable command and control capability.

To support this interim BMD capability, the United States has offered EPAA assets to the Alliance as our voluntary national contributions to the BMD mission. The AN/TPY-2 radar deployed in Turkey is under NATO operational control. In addition, U.S. BMD-capable Aegis ships in Europe are also now able to operate under NATO operational control when threat conditions warrant.

These decisions have created a framework for allies to contribute and optimize their own BMD assets for our collective self-defense, and the United States welcomes and encourages such contributions from Allies. NATO BMD will be more effective should Allies provide sensors and interceptors to complement the U.S. EPAA contributions. Several NATO Allies already possess land- and sea-based sensors that could potentially be linked into the system, as well as lower tier systems that can be integrated and used to provide point defense such as PATRIOT. It is important that the systems contributed by Allies be interoperable with NATO's Active Layered Theater Ballistic Missile Defense – or ALTBMD – command and control capability.

Cooperation With the Russian Federation

At the same time as we are developing this missile defense cooperation with NATO, we also seek to work cooperatively with Russia. We remain convinced that missile defense cooperation between the United States and Russia (and between NATO and Russia) is in the national security interests of all countries involved. For that reason, missile defense cooperation with Russia remains a Presidential priority for this Administration.

In Chicago, the NATO Allies made a very clear statement of our intent regarding strategic stability and Russia's strategic deterrent. NATO declared in the Chicago Summit Declaration that "...the NATO missile defense in Europe will not undermine strategic stability. NATO missile defense is not directed against Russia and will not undermine Russia's strategic deterrence capabilities." Through transparency and cooperation with the United States and NATO, Russia would see firsthand that this system is designed for ballistic missile threats from outside the Euro-Atlantic area, and that NATO missile defense systems can neither negate nor undermine Russia's strategic deterrent capabilities.

While we seek to develop ways to cooperate with Russia on missile defense, it is important to remember that in keeping with its collective security obligations, NATO alone bears responsibility for defending the Alliance from ballistic missile threats. This is why the United States and NATO cannot agree to Russia's proposals for "sectoral" or "joint" missile defense architectures. Just as Russia must ensure the defense of Russian territory, NATO must ensure the

defense of NATO territory. NATO cannot and will not outsource its Article 5 commitments. As ballistic missile threats continue to evolve, we cannot place limits or constraints on our ability to defend ourselves, our allies, and our partners. This includes any limitations on the operating areas of our BMD-capable multi-mission Aegis ships.

Cooperation With Poland

We can't talk about BMD cooperation without talking about our cooperation right here with the Republic of Poland.

We also now have an enduring Aviation Detachment deployed in Lask, which supports the joint training of U.S. and Polish Air Forces. And I also have to mention our vibrant and longstanding cooperation with Poland on other efforts to combat the threat of WMD and their missile delivery systems. For example, former President Bush chose Warsaw as the site of his May 2003 public call to create a common global effort to stop WMD- and missile-related shipments to and from states of proliferation concern. Poland and the United States then worked closely to heed that call by establishing the Proliferation Security Initiative. Over the following decade, 100 other nations from every part of the world joined our two countries in the PSI to improve our common efforts to take action against WMD shipments. Next month, Acting Under Secretary Gottemoeller will have the great pleasure of leading the U.S. delegation to the PSI Tenth Anniversary meeting in Warsaw not only to mark the occasion, but to continue efforts to meet the call that President Obama made in the 2009 Prague speech to ensure the PSI is a durable international effort.

I commend my Polish colleagues for their leadership within NATO and domestically on defense modernization which will lead to new and valuable skill sets for NATO. As everyone knows, Poland is leading by example. Where many NATO countries are reducing their defense modernization, Poland is focusing on it – and the “it” that I follow most closely is the Polish efforts to upgrade its Integrated Air and Missile Defense System. This has been a topic of considerable discussion with my Polish counterparts. I expect it will be a topic of continued discussion. It is clear to me that the Government of Poland intends to embark upon a substantial effort that will provide for a greater national expertise which can contribute to NATO air and missile defense capabilities.

And Poland is not only working on defense modernization – it is also a participant in the U.S. Strategic Command's NIMBLE TITAN multinational missile defense wargame. Polish military, Ministry of Defense and Ministry of Foreign Affairs officials are working closely with over 20 countries and NATO to collaboratively think through how regional and global coalitions might be able to innovate with equipment, tactics, techniques and procedures to provide the best and most agile defense. In a world where the threats and the technology to defend are constantly evolving, it is our responsibility to think through the problems to reach the best and most efficient solutions.

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H. NEW START TREATY

On February 19, 2013, the Bilateral Consultative Commission established under the New START treaty issued a decision on the number of launches of ICBMs and SLBMs conducted in 2012 on which an exchange of telemetric information will be carried out in 2013. That decision appears below and is available at www.state.gov/t/avc/rls/204959.htm. Also available on the State Department's website, at www.state.gov/documents/organization/208183.pdf, is a joint presentation delivered by the United States and Russia for the P5 on the verification regime under the New START Treaty.

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In accordance with paragraph 2 of Part Seven of the Protocol to the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms of April 8, 2010, the Delegation of the United States of America to the Bilateral Consultative Commission and the Delegation of the Russian Federation to the Bilateral Consultative Commission decided that the Parties would exchange, in 2013, telemetric information on one launch of an ICBM or SLBM conducted by each Party during the period from January 1, 2012, to December 31, 2012.

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I. TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE AND TREATY ON OPEN SKIES

On June 20, 2013, Greg Delawie, Deputy Assistant Secretary of State in the Bureau of Arms Control, Verification and Compliance, delivered remarks on enhancing security cooperation in Europe in which he discussed both the Treaty on Conventional Armed Forces in Europe and the Treaty on Open Skies. Mr. Delawie's remarks are available at www.state.gov/t/avc/rls/2013/211055.htm and are excerpted below.

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...[L]et's consider how the existing three-pillared conventional arms control regime contributes to our European security architecture. The Open Skies Treaty, the Vienna Document's CSBMs, and the Treaty on Conventional Armed Forces in Europe, provide a foundation for stability in our strategic relationships. Each regime is important and contributes to security and stability in a

unique way and, when working in harmony, they result in greater confidence for all of Europe. Unfortunately, they are not currently working in harmony.

First, I want to touch on the Open Skies Treaty, which provides a historic level of openness and transparency regarding military forces and activities. In the more than ten years since the Treaty's entry into force, States Parties have flown nearly 1,000 observation flights, enhancing confidence and providing significant insight into the security situation in Europe. These flights also provide valuable opportunities for our governments—in most cases, our military personnel—to regularly and effectively work together.

One of the challenges we face for the continued success of the Treaty is the future availability of resources. The Treaty will only be as good as the States Parties make it, and we cannot ensure its effectiveness with old aircraft and sensors. For its part, the United States has committed to transition from the use of film-based cameras to digital sensors. We urge all parties to redouble their efforts to modernize the Treaty to allow for the use of these new sensors and ensure sufficient assets for future operations.

We will need to continue to think creatively in order to advance European security in the current fiscal environment bearing in mind the reality of budgetary constraints in the United States and across Europe. For example, the Open Skies Consultative Commission began discussing the possibility of sharing aircraft, sensors, and media processing, and considered the idea of a working group to focus on this topic. It seems clear to us that the potential to share Open Skies assets among States Parties is underutilized and we would like to see the OSCC reengage on this important topic.

We cannot address the importance of modernizing the Open Skies Treaty without also addressing the procedural impasse in its Consultative Commission. Unfortunately, specific national political interests have introduced a significant roadblock to the functioning of the OSCC by preventing timely and effective decision-making. It is not in the interest of any State Party, nor is it in the interest of improving European security, for the work of the OSCC to be held hostage in this way. We should all insist on a higher standard for the Treaty. No State Party should make procedural demands that compromise its international legal commitments and obligations when any correction to the underlying dispute or issue is outside the mandate and control of the Treaty's mechanisms. The United States will work with our Treaty partners to find a long-term solution that will allow the OSCC to get back to business. This situation must be resolved in order to prevent negative effects in other European security fora.

I now turn to the Vienna Document, which also plays a vital role in European security. It provides insights into military activities and equipment holdings for confidence and security building purposes. This set of politically binding measures has contributed immeasurably to Europe-wide military transparency and reassurance. In addition, the Vienna Document can serve as a useful template for other regions where nations look to build confidence regarding the military intentions of their neighbors.

To ensure the continued relevance of the Vienna Document, both to Europe and to other regions, we need to modernize it with two goals in mind: strengthen existing provisions and ensure the Document remains relevant to current security challenges. Looking at existing provisions, we believe there are ways to enhance key components of the Vienna Document –

such as enhancing inspection opportunities – so as not to impose unreasonable expenses on participating States. In the face of today’s security challenges, changes such as lowering thresholds for notification of military activities would bring the document into line with today’s smaller military forces. We call on all our OSCE partners to engage seriously on efforts to take these vital steps to modernize and recalibrate the Vienna Document for the 21st Century.

We also have the Treaty on Conventional Armed Forces in Europe, with its system of equipment limits, information exchange, and verification. Since its entry into force, more than 72,000 pieces of Cold War military equipment – tanks, armored combat vehicles, artillery, combat aircraft, and attack helicopters – have been eliminated. Under CFE, thousands of inspections have taken place at military sites all over Europe, dramatically increasing confidence and military transparency on the continent by providing a means to verify the information provided in data exchanges. It is important to recognize that CFE and the Vienna Document are complementary, not interchangeable. Each was designed with a specific purpose and makes a separate and distinct contribution to overall stability in Europe.

The U.S. Government believes that the security provided by the CFE Treaty is too important to ignore. CFE has been an important pillar for European security as a whole and remains important to the United States. But we are at a difficult crossroads. Russia ceased implementation of its CFE obligations in December 2007 and, in late 2011, the United States, along with 23 other countries, ceased carrying out certain obligations under the CFE Treaty with regard to Russia. We continue to implement the Treaty in full with respect to all the other CFE states, even as we explore how to modernize the conventional regime.

Future of Conventional Arms Control

Conventional arms control has contributed substantially to stability and security in Europe. We believe it has a role to play in building trust and confidence for the future as well. NATO’s 2012 Chicago Summit communique confirmed the importance all Allies attach to conventional arms control:

“Allies are determined to preserve, strengthen and modernize the conventional arms control regime in Europe, based on key principles and commitments, and continue to explore ideas to this end.”

All of us, together, have made a serious investment in building the current security architecture in Europe. We must adapt and improve our efforts to meet our current and future security needs, and do it in a way that is efficient and effective for all countries involved, while also preserving key OSCE principles and commitments. We have been devoting a lot of time and energy to this task. We’re asking fundamental questions: What are the security concerns in Europe today that a conventional arms control agreement should address? And, taking into account the lessons learned from the implementation of existing agreements, what kinds of arms control measures could best address those security concerns and uphold core principles of European security?

We should all be proud that the CFE Treaty resolved successfully the basic problem posed by the destabilizing surplus of conventional arms on the continent. Today, quantities of conventional armaments across much of the continent are far below the negotiated ceilings, and are likely to decrease further.

While the NATO-Warsaw Pact confrontation of 1989 no longer exists, it is clear that conventional arms control, done right, still has scope to significantly improve security on the continent by helping to address today's concerns. We must adapt and improve upon the investment we have already made in order to meet our current and future security needs, and do it in a way that is efficient and effective for all countries involved, while continuing to preserve key principles and commitments.

The United States wants to enhance the partnership between NATO and Russia as a key component of this European security cooperation. One of the major practical achievements of the NATO-Russia Council has been our collaboration on Afghanistan. It is important to build on that success and expand our practical cooperation on security issues, in particular by building additional military transparency. We share many common goals and face mutual concerns, including creating the conditions to achieve long-term prosperity for all our people. When we do not agree on issues, our relationship should accommodate frank discussion of disagreements in a spirit of mutual respect.

In the bilateral context, we see significant opportunities for the United States and Russia to expand our partnership in ways that advance our mutual security interest and the interest of the international community. As President Obama mentioned yesterday in Berlin, we hope to continue to work together to safeguard and reduce nuclear arsenals and stem global proliferation.

Our two nations now are extending traditional transparency and confidence-building measures to reduce the mutual danger we face from cyber threats. President Obama and President Putin earlier this week announced a range of steps designed to increase transparency and reduce the possibility that a misunderstood cyber incident could create instability or a crisis in our bilateral relationship.

We can build on the new United States-Russia bilateral framework on threat reduction, also announced this week, that reinforces our longstanding partnership on nonproliferation.

Missile defense transparency and cooperation is another area we should pursue, and the United States continues to seek a path forward with Russia that would advance the security interests of us all. We look forward to implementing all these initiatives, and will continue to seek other steps to enhance transparency and confidence, strengthening security in the Euro-Atlantic area boosting the potential of our societies to prosper.

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J. ARMS TRADE TREATY

In 2013, the United States continued to support the conclusion of the UN Arms Trade Treaty. For background on progress on the treaty in 2012, see *Digest 2012* at 674-79.

Secretary Kerry issued a press statement in advance of the Final UN Conference on the Arms Trade Treaty, convened in New York March 18-28, with the aim of reaching consensus on the treaty. His statement, excerpted below, is available at www.state.gov/secretary/remarks/2013/03/206323.htm.

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The United States looks forward to working with our international partners at the upcoming conference from March 18-28 to reach consensus on an Arms Trade Treaty that advances global security and respects national sovereignty and the legitimate arms trade. We supported and actively participated in negotiations on an Arms Trade Treaty held at the United Nations in July 2012. Those negotiations made considerable progress, but ended before a treaty could be concluded. Accordingly, the United States supported a UN General Assembly resolution December 24, 2012 to convene the conference this month to build on those efforts.

The United States is steadfast in its commitment to achieve a strong and effective Arms Trade Treaty that helps address the adverse effects of the international arms trade on global peace and stability. An effective treaty that recognizes that each nation must tailor and enforce its own national export and import control mechanisms can generate the participation of a broad majority of states, help stem the illicit flow of conventional arms across international borders, and have important humanitarian benefits.

The United States could only be party to an Arms Trade Treaty that addresses international transfers of conventional arms solely and does not impose any new requirements on the U.S. domestic trade in firearms or on U.S. exporters. We will not support any treaty that would be inconsistent with U.S. law and the rights of American citizens under our Constitution, including the Second Amendment.

While the international arms trade affects every country, over one hundred states today do not have a system for control of international conventional arms transfers. We support a treaty that will bring all countries closer to existing international best practices, which we already observe, while preserving national decisions to transfer conventional arms responsibly. The international conventional arms trade is, and will continue to be, a legitimate commercial activity. But responsible nations should have in place control systems that will help reduce the risk that a transfer of conventional arms will be used to carry out the world's worst crimes, including those involving terrorism, and serious human rights violations.

I wish the conference well and hope that we can reach consensus on a treaty that improves global security, advances our humanitarian goals, and enhances U.S. national security by encouraging all nations to establish meaningful systems and standards for regulating international arms transfers and ensuring respect for international law.

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Remarks by Assistant Secretary Countryman at the plenary session of the conference on March 25, 2013 are available at www.state.gov/t/isn/rls/rm/2013/206668.htm. Mr. Countryman also held an on-the-record conference call with the media on March 28, 2013, which is available at www.state.gov/t/isn/rls/rm/2013/206806.htm. Although the conference did not reach consensus, the UN General Assembly adopted the text of the Arms Trade Treaty that was produced by the conference on April 2, 2013. Secretary Kerry issued a press statement that same day, welcoming the adoption of the Arms Trade Treaty. The press statement is excerpted below and available at www.state.gov/secretary/remarks/2013/04/206982.htm.

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The United States is pleased that the United Nations General Assembly has approved a strong, effective and implementable Arms Trade Treaty that can strengthen global security while protecting the sovereign right of states to conduct legitimate arms trade.

The Treaty adopted today will establish a common international standard for the national regulation of the international trade in conventional arms and require all states to develop and implement the kind of systems that the United States already has in place. It will help reduce the risk that international transfers of conventional arms will be used to carry out the world's worst crimes, including terrorism, genocide, crimes against humanity, and war crimes. At the same time, the treaty preserves the principle that the international conventional arms trade is, and will continue to be, a legitimate commercial activity that allows nations to acquire the arms they need for their own security.

By its own terms, this treaty applies only to international trade, and reaffirms the sovereign right of any State to regulate arms within its territory. As the United States has required from the outset of these negotiations, nothing in this treaty could ever infringe on the rights of American citizens under our domestic law or the Constitution, including the Second Amendment.

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Ambassador Rosemary A. DiCarlo, U.S. Deputy Permanent Representative to the UN, also delivered a statement at the UN General Assembly Meeting on the Arms Trade Treaty on April 2, 2013. Her statement, available at <http://usun.state.gov/briefing/statements/207006.htm>, is excerpted below.

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Mr. President, the United States is proud to have been able to co-sponsor and vote in favor of adopting the Arms Trade Treaty. The treaty is strong, balanced, effective, and implementable, and we believe it can command wide support. We join others in congratulating Ambassador Peter Woolcott for his tireless efforts in guiding the negotiation.

The treaty is the product of a long, intensive negotiation, and I know that no nation, including my own, got everything it may have sought in the final text. The result, however, is an instrument that succeeds in raising the bar on common standards for regulating international trade in conventional arms while helping to ensure that legitimate trade in such arms will not be unduly hindered.

The negotiations remained true to the original mandate for them from UN General Assembly Resolution 64/48, which called for negotiating a treaty with the highest possible common international standards for the transfer of conventional arms and for the negotiations to be conducted in an open and transparent manner, on the basis of consensus. The consensus rule remains important for the United States; the United Nations is most effective when it is able to take decisions by consensus.

Mr. President, as the United States has urged from the outset, this Treaty sets a floor—not a ceiling—for responsible national policies and practices for the regulation of international trade in conventional arms. We look forward to all countries having effective national control systems and procedures to manage international conventional arms transfers, as the United States does already.

We believe that our negotiations have resulted in a treaty that provides a clear standard, in Article 6, for when a transfer of conventional arms is absolutely prohibited. This article both reflects existing international law and, in paragraph three, would extend it by establishing a specific prohibition on the transfer of conventional arms when a state party knows that the transfer will be used in the commission of genocide, crimes against humanity, or the enumerated war and other crimes. Article 7 requires a state party to conduct a national assessment of the risk that a proposed export could be used to commit or facilitate serious violations of international humanitarian law or international human rights law, as well as acts of terrorism or transnational organized crime. Taken together, these articles provide a robust and complementary framework that will promote responsible transfer of decisions by states parties.

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On June 3, 2013, the United States welcomed the opening for signature of the Arms Trade Treaty with a press statement by Secretary Kerry. That statement, available at www.state.gov/secretary/remarks/2013/06/208554.htm, is excerpted below.

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The United States welcomes the opening of the Arms Trade Treaty for signature, and we look forward to signing it as soon as the process of conforming the official translations is completed satisfactorily.

The Treaty is an important contribution to efforts to stem the illicit trade in conventional weapons, which fuels conflict, empowers violent extremists, and contributes to violations of human rights. The Treaty will require the parties to implement strict controls, of the kind the United States already has in place, on the international transfer of conventional arms to prevent their diversion and misuse and create greater international cooperation against black market arms merchants. The ATT will not undermine the legitimate international trade in conventional weapons, interfere with national sovereignty, or infringe on the rights of American citizens, including our Second Amendment rights.

We commend the Presidents of the two UN negotiating conferences – Roberto Garcia Moritan of Argentina and Peter Woolcott of Australia –for their leadership in bringing this agreement to fruition. We also congratulate all the states that helped achieve an effective, implementable Treaty that will reduce the risk that international transfers of conventional arms will be used to carry out the world’s worst crimes.

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On September 25, 2013, Secretary Kerry signed the Arms Trade Treaty on behalf of the United States. His remarks at the signing ceremony are excerpted below and available at www.state.gov/secretary/remarks/2013/09/214717.htm.

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On behalf of President Obama and the United States of America, I am very pleased to have signed this treaty here today. I signed it because President Obama knows that from decades of efforts that at any time that we work with – cooperatively to address the illicit trade in conventional weapons, we make the world a safer place. And this treaty is a significant step in that effort.

I want to be clear both about what this treaty is, but I also want to be clear about what it isn’t. This is about keeping weapons out of the hands of terrorists and rogue actors. This is about reducing the risk of international transfers of conventional arms that will be used to carry out the world’s worst crimes. This is about keeping Americans safe and keeping America strong. And this is about promoting international peace and global security. And this is about advancing important humanitarian goals.

I also want to be clear about what this treaty is not about. This treaty will not diminish anyone’s freedom. In fact, the treaty recognizes the freedom of both individuals and states to obtain, possess, and use arms for legitimate purposes. Make no mistake, we would never think about supporting a treaty that is inconsistent with the rights of Americans, the rights of American citizens, to be able to exercise their guaranteed rights under our constitution. This treaty

reaffirms the sovereign right of each country to decide for itself, consistent with its own constitutional and legal requirements, how to deal with the conventional arms that are exclusively used within its borders.

What this treaty does is simple: It helps lift other countries up to the highest standards. It requires other countries to create and enforce the kind of strict national export controls that the United States already has in place. And I emphasize here we are talking about the kind of export controls that for decades have not diminished one iota our ability in the United States as Americans to exercise our rights under the constitution – not one iota of restriction in the last decades as we have applied our standards.

So here's the bottom line: This treaty strengthens our security, builds global security without undermining the legitimate international trade in conventional arms which allows each country to provide for its own defense. I want to congratulate everyone who has worked hard in order to help bring this agreement into fruition, including our international partners and the civil society organizations' commitment was absolutely vital to winning support for this treaty. The United States is proud to have worked with our international partners in order to achieve this important step towards a more peaceful – and a more peaceful world, but a world that also lives by international standards and rules.

And we believe this brings us closer to the possibilities of peace as well as a security, a higher level of a security, and the promotion and protection of human rights. That, frankly, is a trifecta for America, and that's why we're proud to sign this treaty today.

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Cross References

MNEPR, **Chapter 4.A.3.**

Arms Trade Treaty, **Chapter 4.A.4.**

Bond case regarding the CWC, **Chapter 4.B.1.**

Human Rights Council actions regarding Syria, **Chapter 6.A.4.b.**

Outer space, **Chapter 12.B.**

Iran sanctions, **Chapter 16.A.1.**

Syria sanctions, **Chapter 16.A.2.**

Nonproliferation sanctions, **Chapter 16.A.3.**

Export controls, **Chapter 16.C.**

Syria, **Chapter 16.B.1.**

Conventional weapons, **Chapter 18.B.**