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CHAPTER 19

Arms Control, Disarmament, and Nonproliferation

A. GENERAL

On June 5, 2015, the State Department released the unclassified version of its report to Congress on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, submitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended, 22 U.S.C. § 2593a. The report contains four parts. Part I addresses U.S. compliance with arms control, nonproliferation, and disarmament agreements and commitments. Part II discusses compliance with treaties and agreements the United States concluded bilaterally with the Soviet Union or its successor states. Part III assesses compliance by other countries that are parties to multilateral agreements. And Part IV covers other countries' compliance with international commitments, such as the Missile Technology Control Regime ("MTCR"). The 2015 report primarily covers the period from January 1, 2014 through December 31, 2014. The report is available at <http://www.state.gov/t/avc/rls/rpt/2015/243224.htm>.

B. NUCLEAR NONPROLIFERATION

1. Overview

Frank A. Rose, Assistant Secretary of State for Arms Control, Verification and Compliance ("AVC") delivered remarks on behalf of the U.S. delegation to the 2015 UN General Assembly First Committee on October 12, 2015. Assistant Secretary Rose's remarks are excerpted below and available at <http://www.state.gov/t/avc/rls/2015/248112.htm>.

* * * *

At the outset of my remarks, let me assure you of my nation's commitment to seek the peace and security of a world without nuclear weapons. To achieve this long-term goal, the United States is

pursuing a full-spectrum, pragmatic approach. By steadily reducing the role and number of nuclear weapons in a way that advances strategic stability, we foster the conditions and opportunities for further progress.

Mr. Chairman, the numbers tell the real story: the United States has reduced its total stockpile of active and inactive nuclear warheads by 85% from its Cold War peak, from 31,255 nuclear weapons in 1967 to 4,717 as of September 30, 2014. More work needs to be done, but these results speak louder than any words—we have made significant progress.

This process and the wider regime established to prevent nuclear proliferation, have always underpinned our deep understanding of the humanitarian impact of nuclear weapons use. That is why we are committed to use every available avenue to pursue further progress on disarmament and arms control. And even as the steady implementation of the New START Treaty proceeds, the President has made clear his willingness to seek further reductions of up to one-third below those New START levels. But we have also made clear that progress in that direction requires a willing partner and a strategic environment conducive to further reductions.

In contrast to our full-spectrum approach, proposals such as a nuclear weapons ban or convention cannot succeed because they fail to recognize the need to develop the verification capabilities and build the security conditions for progress on disarmament. Instead, they risk creating a very unstable security environment, where misperceptions or miscalculations could escalate crises with unintended and unforeseen consequences, not excluding the possible use of a nuclear weapon. We must focus our efforts on realistic and achievable objectives that can make the world a safer place.

Disarmament must factor in humanitarian and security considerations

Mr. Chairman, we share the frustrations regarding the pace of disarmament, but it would be a mistake to allow this frustration to propel us toward the false choice that nuclear weapons are either a humanitarian or a security issue—they are both. Our pursuit of nuclear disarmament takes this into account.

Despite what some people think, nuclear deterrence and nuclear disarmament are actually complementary. Nuclear deterrence seeks to constrain threats as we work to reduce nuclear weapons and shore up efforts to prevent further proliferation. Both ultimately seek to prevent the use of nuclear weapons.

That is why President Obama made clear in Prague that even as we work toward the peace and security of a world without nuclear weapons, so long as such weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary and guarantee the defense of our allies.

We declare our unwavering support to the NPT and its goals, including nuclear disarmament

Mr. Chairman, the Nuclear Non-Proliferation Treaty (NPT) continues to play a critical role in global security and provides the foundation for our efforts to achieve a world without nuclear weapons.

We are continuing to uphold the NPT's Article VI disarmament undertaking "to pursue negotiations in good faith on effective measures relating to... nuclear disarmament." But while we recognize that more needs to be done, we do not accept the notion that there is any "legal gap" in our fulfillment of these undertakings.

At the NPT Review Conference (RevCon) in May, our reason for not joining consensus had to do with the language concerning a Middle East WMD-free zone. While the United States supports this worthy goal, it cannot be imposed from outside the region or absent the consent of

the involved states. Like similar zones in other regions, it can only succeed if it reflects the accepted norm that such zones should be based on arrangements freely arrived at by the states of the region. Be assured that we will continue our work to identify opportunities for regional dialogue and encourage a way forward that takes into consideration the legitimate interests of all states in the region.

Post-NPT RevCon, more dialogue is needed

Mr. Chairman, the NPT RevCon experience confirmed our long-held belief that we need more genuine international dialogue and engagement on nuclear disarmament issues, including between the nuclear-weapon States and non-nuclear-weapon States.

As envisioned in the RevCon's draft final document, the United States is prepared to support an Open-Ended Working Group (OEWG) to identify and elaborate all effective measures that contribute to our shared nuclear disarmament goals. There are, naturally, a wide range of views on the purpose of such an OEWG; this reflects differences among states on how to take forward nuclear disarmament. We will not settle those differences at this First Committee. But we can improve the quality of debate through support for an OEWG resolution that encourages the widest possible participation. Let's not lose this opportunity for engagement.

Mr. Chairman, as a further contribution to this dialogue and cooperation, last December the United States and the Nuclear Threat Initiative (NTI) launched the International Partnership for Nuclear Disarmament Verification. This exciting new endeavor brings together twenty-seven states—nuclear and non-nuclear-weapon States alike—committed to exploring the tools and technologies needed to effectively verify future nuclear disarmament agreements. While ... this dialogue does NOT involve the sharing of any sensitive nuclear weapons-related information, we are convinced there is a role that non-nuclear-weapon States can play in this area.

We look forward to the 2nd plenary of the Partnership, to be held in Oslo, Norway this November. And on October 14, the United States and NTI will co-host a First Committee side-event to update states and civil society on Partnership progress and next steps.

Advancing our nuclear disarmament efforts through the P5 process

Mr. Chairman, when the final chapter of the age of nuclear weapons is written, history will record that the P5 process was among the earliest successful efforts to enhance the type of multilateral transparency, dialogue, confidence-building, and mutual understanding needed for future progress toward the verifiable elimination of nuclear weapons. Together, the P5 are pursuing intensified engagement that is essential in setting the foundation to advance nuclear disarmament. We look forward to discussing these and other issues at the P5 process side-event to be hosted by France on October 16.

* * * *

Conclusion

Finally, Mr. Chairman, up to now I have tried to focus on the positive. But I cannot end without pointing out that the accusations leveled by the Russian representative against my country last Friday are utterly baseless. U.S. missile defense is not directed against Russia's or China's strategic nuclear forces. Over many years, the United States has put very forward-leaning proposals on the table for cooperation with Russia on missile defense. However, Russia has refused all offers and instead has made absolutely unacceptable demands upon the United States and its allies as a precondition for any cooperation. Furthermore, the United States has always been, and remains, in full compliance with all of its NPT and INF Treaty obligations. We

have many times publicly and privately explained why this is the case and our Russian colleagues may feign misunderstanding but the facts couldn't be any clearer. In our political system, arms control treaty provisions are the law of the land. And the United States is a nation governed by the rule of law.

Russia's accusations are a classic attempt at misdirection, as it is Russia that is flagrantly violating key provisions of international law and undermining international security. Russia continues to violate the sovereignty and territorial integrity of Ukraine, a breach of the UN Charter. Russia is in violation of the INF Treaty, as it has tested a new ground-launched cruise missile that is explicitly prohibited by this treaty. And it is Russia that has failed to respond to President Obama's proposal to negotiate further reductions in our strategic and tactical nuclear forces. The United States remains committed to advancing toward a world without nuclear weapons and furthering international security, but we need a willing and sincere partner.

* * * *

2. Non-Proliferation Treaty ("NPT")

a. 2015 NPT Review Conference

The 2015 NPT Review Conference concluded without adoption of a final document due to lack of consensus. However, the United States delivered key statements on the importance of the NPT in preparation for and during the Review Conference. Prior to the 2015 NPT Review Conference, Assistant Secretary of State Thomas M. Countryman delivered remarks at the International Institute for Strategic Studies on accomplishments under the NPT and expectations for the 2015 Review Conference. Assistant Secretary Countryman's remarks are available at <http://www.state.gov/t/isn/rls/rm/2015/238762.htm> and excerpted below.

* * * *

...Yesterday marked the 45th anniversary of the entry into force of the Nuclear Nonproliferation Treaty so it is an appropriate time to consider what we have accomplished and how we can approach the Review Conference starting next month. We want to keep in mind the big picture throughout. This treaty in my opinion is the most successful multilateral treaty in the history of diplomacy. It has played a fundamental and irreplaceable role in promoting the security of every state that has become a party to the treaty. It is the common foundation for goals that we share in disarmament and nonproliferation and it lays the basis for the cooperation globally in the peaceful uses of nuclear energy. Upholding and strengthening the treaty is central to President Obama's Prague agenda and his commitment to seek the peace and security of a world without nuclear weapons. The treaty is not perfect, it is not immune to challenge, but it is irreplaceable and could not be replicated if we allow it to fall apart.

The NPT Treaty and Review Conference

So let's consider the significant accomplishments of the treaty. First it provides a framework for ending the nuclear arms race, for the vast reductions in global nuclear stockpiles

we have already achieved, particularly in the United States, and for reinforcing the strong taboo against use of nuclear weapons. It has succeeded in limiting the number of states that possess nuclear weapons. Projections in the 1960s before the treaty was negotiated were that by the turn of the century there would have been dozens of states possessing nuclear weapons. Instead that number has barely increased in the last 45 years. The treaty established durable, international legal obligations designed to prevent proliferation of weapons. It gives direction to safeguards and export control regimes that are needed to sustain the treaty, and it has promoted peaceful nuclear trade and assistance for energy and development throughout the world.

We are looking forward to a successful Review Conference or RevCon for short. We have been working with and will continue to work with all parties, and with particular focus on explaining our position better to Non-aligned states, in order to advance realistic and achievable objectives that reinforce and uphold the treaty. We seek a balanced review of all three pillars. As you know the three pillars are described as disarmament by the nuclear weapons states, nonproliferation and the commitment to avoid acquisition of nuclear weapons by other states, and the benefits of peaceful uses to all states. In the 2010 Review Conference, we agreed on an action plan by consensus. This was a breakthrough achievement. It was the most detailed, and substantive conclusion ever in the history of review processes. That action plan is valid today. It is a useful yardstick for implementing steps that strengthen the treaty. It is not, however, a deadline; it was not a time limited action plan. We need now at next month's conference to take stock of the action plan and update it. We developed a series of working papers on how to update the action plan, which we are now circulating in diplomatic channels. We want to reinforce all the parts that are relevant, which is most of it, and identify what can be advanced as a result of next month's Review Conference. And of course we are actively studying all the papers produced by friends around the world because they contain valuable ideas on how to advance the goals of disarmament and nonproliferation.

Now one hallmark of our preparation has been greater transparency about U.S. nuclear weapons, about their quantity, their alert status, and their role in our military doctrine. The report we gave last year to the Preparatory Committee was unprecedented in providing insight into our nuclear weapons program. No other state has ever provided so much information and we intend to surpass it next month in the Review Conference. Similarly, we have invited a group of senior, foreign government officials to visit our national nuclear laboratories in New Mexico to encourage a more open and transparent dialogue on U.S. policies.

Nonproliferation Pillar

To get to a success in New York next month does not require consensus on a final document but it is desirable and we will do all we can to achieve it. Success can also be measured by the degree of consensus on advancing all three pillars on nonproliferation, disarmament, and peaceful uses. Let me spend just a couple more minutes on our priorities in each of these pillars. On nonproliferation, we want to ensure that the international verification of obligations under the NPT remains effective and robust. That means it requires political, technical, and resource commitments from the world. We will continue to promote the IAEA Additional Protocol, which represents the highest standard for verification that states are meeting the NPT safeguards requirements. We have an active program through my bureau of the State Department to help states that seek assistance to implement their safeguard obligations. We need to give a strong statement of support to the International Atomic Energy Agency, which has the responsibility for implementing safeguards. Most recently, this includes implementing the advanced idea of the State-level concept about which we could talk more.

The International Atomic Energy Agency deserves the highest degree of independence, expertise, and resources in order to accomplish its crucial mission. We need to underscore that noncompliance by the treaty's members, that is by a state party, undermines the overall integrity of the NPT. We need to discuss how to hold accountable violators of their own obligations and we also want to develop a consensus about how to address states that may abuse Article 10 of the treaty which gives states the right to withdraw from the NPT. We've been part of a group that has built a very wide consensus on this topic.

Peaceful Uses Pillar

On peaceful uses of nuclear science, at the RevCon we will address and advance our record of promoting the availability and sharing of peaceful benefits of the atom. We will highlight nuclear trade and the considerable amount that we spend in assisting states to provide for safety and security in nuclear energy use. At the 2010 conference then-Secretary Clinton announced the Peaceful Uses Initiative, which was intended to expand the fund of money that the IAEA has to provide technical cooperation in developing countries. We have provided nearly \$200 million dollars to this and other technical cooperation programs since 2010, and I expect we will make a new commitment on this at the Review Conference.

We will detail the progress made through the Nuclear Security Summit process initiated by President Obama. As a result of this process the number of facilities and countries around the world that possess highly enriched uranium or plutonium has decreased markedly. Security of storage sites of fissile materials is much greater, and more countries are prepared to counter nuclear smuggling. We also of course will discuss nuclear safety. Since the 2010 action plan we've seen the tragedy of Fukushima, and we note our support for a more wide range of programs to advance nuclear safety—for example, the declaration of the diplomatic conference on the Convention of Nuclear Safety issued in Vienna last month. We will also use the Review Conference to seek support for new frameworks for peaceful nuclear cooperation such as an arrangement for a fuel bank facility in Kazakhstan that we hope to see finalized this year.

Disarmament Pillar

On the disarmament pillar, the U.S. commitment to achieve the peace and security of a world without nuclear weapons remains firm. We continue to actively pursue nuclear disarmament in keeping with the commitment that we made under Article 6 of the treaty. We work hard to put in place the building blocks for nuclear disarmament. This approach of discrete, practical steps has achieved major reductions in nuclear weapons and fissile material stocks over several decades and continues to do so. It is a practical approach. It is a verifiable approach, and we're prepared to explain it and defend it at the Review Conference. When I say discrete steps, it doesn't mean one thing at a time; it means we are pursuing many channels in order to lay the groundwork for future efforts in bilateral arms reduction with the Russian Federation and in multilateral arms reduction. This includes not only changes to the U.S. arsenal and U.S. policies, but also requires building confidence and transparency with other nuclear states, including by cooperating on our nonproliferation goals. Each step that we have taken over the years has helped to create the conditions and build momentum for subsequent steps.

Some states party to the treaty are dissatisfied with the recent pace of disarmament but the fact remains that since the last Review Conference the New START Treaty has entered into force, and it is being implemented in terms of its notifications and inspections on a faithful basis by both the Russian Federation and the United States. By the time we reach the levels set by the treaty for 2018, the U.S. deployed nuclear arsenal will be at its lowest level since before I was born and that was when Mr. Eisenhower was president. But we also have to show readiness to do

more. President Obama offered nearly two years ago to pursue further negotiated reductions with Russia with the goal of cutting our deployed nuclear weapons by another one third. That offer is still on the table. We are ready to engage with Russia on the full range of issues affecting strategic stability, but we're also realistic about how much can be achieved without a willing partner in the current difficult strategic environment. A new Russian security doctrine, which explicitly reprioritizes its nuclear forces, is obviously creating a new and direct challenge to bilateral disarmament efforts.

Nuclear Weapons Free Zone—Middle East

Let me speak to one special topic from the 2010 RevCon that I know is of interest around the world. At the 2010 Review Conference the United States, Russia, and the United Kingdom, as depositaries of the Nonproliferation Treaty, accepted a commitment that we would before the end of 2012 convene a conference to discuss the creation of a weapons of mass destruction-free zone in the Middle East. Well we are now in the 39th month of 2012 and we haven't yet succeeded in convening a conference. This is a very specific commitment we made and I think it requires explanation to the world of everything that we have done to try to make this possible. Here I would also note that despite differences with Russia on major issues, we have continued to cooperate well with the U.K., Russia and the UN on this particular point.

The commitment to convene a conference said explicitly that it should be attended by all states of the region, which is to include Israel. Israel, however, is not a member of the NPT and has no legal obligation to honor an invitation to the conference. Israel could, however, be persuaded and over the last three and a half years, through tireless efforts of Russia and the U.K. and the United Nations, and our facilitator Ambassador Laajava of Finland, but especially from the United States, we have reached a point where Israel accepts the value of holding such a conference which it sees as a venue for discussing not just creation of a WMD free zone in the Middle East, but a forum for discussing related security issues that must be addressed if a weapons free zone in the Middle East is to be successful. Over the past year and a half Ambassador Laajava and these three states, together with the UN, have convened five unofficial or informal meetings at which multiple Arab delegations and Israeli diplomats sat at the same table and discussed—for the first time in twenty years—regional security issues.

As a consequence, there is a better understanding by all sides of what are the obstacles and political conditions necessary for creation for such a zone are, and there is a better understanding of our Arab friends who have worked very hard on this issue and shown innovation and flexibility at times, a better understanding that this is not simply a technical exercise of taking the Africa Nuclear Weapon Free Zone Treaty and changing the names. It is a political process. It is a diplomatic process. It is a negotiation process, not just a technical drafting process. We remain hopeful even before the RevCon that additional contact between Israel and the Arabs on this issue will allow us to agree on an agenda and set a date for the convening of such a conference.

Conclusion

Let me just conclude by saying that we don't just focus on the NPT every five years. It is the constant job of my bureau within the State Department to focus on the assignments and specific obligations that the treaty has given not just to the U.S., not just to the five recognized nuclear weapons states, but to every state party to the treaty. It's a continual process of upholding and strengthening the treaty. It commands vigilance, and effort. It requires states to watch out for the kind of technical trade that they conduct with states such as North Korea and Iran. It means that we have to take greater responsibility to resolve conflicts that could become temptations for

proliferation. We have to seek consensus, we have to identify areas of agreement with states that have a different set of priorities than the United States. Of course progress elsewhere will contribute to success at this conference and in subsequent years, and here of course I am particularly hopeful that Iran will be able to take “yes” for an answer and sign a substantive agreement with the P5 + 1 that ends the possibility of Iranian pursuit of a nuclear weapon.

I am less hopeful but never totally pessimistic that we’ll make similar progress with North Korea within the months ahead and of course I hope to see a reduction of tensions in Asia, the one area of the world in which the number of nuclear weapons is increasing. So overall I am optimistic that we can build on the success of the 2010 Review Conference. We look forward to working with all parties who share our interest in achieving an objective, balanced and realistic text. It is essential not just for the security of the world but for the vision that all of us need to keep in our heads, the prospect of finally achieving a world without nuclear weapons. So thank you and I look forward to questions and ideas that you may want to give me.

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On March 5, 2015, Secretary Kerry released a press statement on the 45th anniversary of the NPT, which is excerpted below and available at <http://www.state.gov/secretary/remarks/2015/03/238174.htm>.

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All countries share responsibility to confront nuclear proliferation. All countries benefit if nuclear weapons do not spread to additional countries. All countries also profit when there is smart, continuous action in the direction of nuclear disarmament. And all countries gain from cooperation on the peaceful uses of nuclear energy.

That is why the Nuclear Non-Proliferation Treaty (NPT) has served the international community well for the past 45 years.

Simply put, it is the bedrock foundation for nuclear nonproliferation, disarmament, and the peaceful use of nuclear energy. They include the areas of human health, food and agriculture, water resource management, and the environment.

There are many reasons for the success of the NPT, which entered into force on March 5, 1970.

The international consensus against the spread of nuclear weapons, embodied in the spirit and text of the Treaty, is strong and continues to be upheld. Overwhelming numbers of states have refrained from pursuing nuclear weapons and accept International Atomic Energy Agency safeguards as the standard for verification and peaceful nuclear trade. Several states that abandoned nuclear weapons efforts might have come to a different conclusion in the absence of a robust and widely supported NPT.

Today, as we mark this anniversary, we especially celebrate that more states are party to the NPT than to any other arms control or nonproliferation agreement. But there is more work to do, and we must recommit ourselves to this task.

NPT Parties share a responsibility to reinforce the global nuclear nonproliferation regime, in particular to overcome the challenges posed by a few countries that have violated their

international nonproliferation obligations. This should be a concern of all states, as it is the future integrity of the nonproliferation regime that is at stake.

Our common security would be profoundly affected if additional countries crossed the nuclear threshold.

That is why President Obama and I have committed so much time and attention to seeking an agreement that will ensure Iran's nuclear program is peaceful, and that it will formally commit to it in perpetuity as a signatory to the NPT, and through a science-based, verifiable agreement with the P5+1 member nations and their partners.

We are also working with the international community to achieve the DPRK's complete, verifiable, and irreversible denuclearization, and its return to the NPT and IAEA safeguards.

The United States is fully committed to continuing to fulfill its own Treaty obligations, as well as to strengthening the global nuclear nonproliferation regime.

Under the New START Treaty, we are reducing our deployed nuclear weapons to levels not seen since the 1950s, and we are prepared to negotiate further reductions. Through bilateral agreements and through the IAEA, we also continue to advance peaceful nuclear cooperation with other NPT Parties. We also are proud of our record as the leading contributor of funds to assist such global development.

The Ninth Review Conference of the NPT will open in New York on April 27. The United States has been working diligently to implement the items in the Action Plan adopted at the 2010 Review Conference, and we seek to strengthen that Plan.

We look forward to working with all NPT Parties to achieve a constructive outcome of the conference.

* * * *

President Obama and Prime Minister Shinzo Abe of Japan issued a joint statement on the NPT in advance of the Review Conference. Daily Comp. Pres. Docs. 2015 DCPD No. 00307 (Apr. 28, 2015).

* * * *

1. Japan and the United States reaffirm our commitment to seek the peace and security of a world without nuclear weapons and to the Nuclear Non-Proliferation Treaty (NPT). We commit to work together for a successful Review Conference in New York that strengthens each of the Treaty's three pillars: nuclear disarmament, nuclear non-proliferation, and peaceful uses of nuclear energy. The NPT remains the cornerstone of the global non-proliferation regime and an essential foundation for the pursuit of nuclear disarmament. In this 70th year since the atomic bombings of Hiroshima and Nagasaki, we are reminded of the catastrophic humanitarian consequences of nuclear weapons use. Hiroshima and Nagasaki will be forever engraved in the world's memory. Concerns over the use of nuclear weapons underpin all work to reduce nuclear dangers and to work toward nuclear disarmament, to which all NPT parties are committed under Article VI of the Treaty. We affirm that it is in the interest of all States that the 70-year record of non-use should be extended

- forever and remain convinced that all States share the responsibility for achieving this goal.
2. We reaffirm our commitment to a step-by-step approach to nuclear disarmament, and recognize the progress made since the height of the Cold War. We recognize that further progress is needed. Immediate next steps should include further negotiated nuclear reductions between the United States and Russia, the immediate start of multilateral negotiations of a Fissile Material Cutoff Treaty, entry into force of the Comprehensive Nuclear-Test-Ban Treaty and the protocols to the existing nuclear weapon free zone treaties, and the continued reduction of all types of nuclear weapons, deployed and non-deployed, including through unilateral, bilateral, regional and multilateral measures. We further emphasize the importance of applying the principles of irreversibility, verifiability and transparency in the process of nuclear disarmament and non-proliferation. In this regard, the United States welcomes Japan's leadership in the Non-proliferation and Disarmament Initiative and Japan's role as the Co-Chair Country for the Conference on Facilitating the Entry into Force of the CTBT, and Japan welcomes the U.S. initiative to launch the International Partnership on Nuclear Disarmament Verification. We affirm our readiness to cooperate closely on this new initiative, which will facilitate further cooperation between the nuclear-weapon States and non-nuclear-weapon States with respect to nuclear disarmament efforts.
 3. We further note the positive role played by civil society, and hope that activities such as the UN Conference on Disarmament Issues and the Comprehensive Nuclear-Test-Ban Treaty's Group of Eminent Persons Meeting, both to be held in Hiroshima in August, and the Pugwash Conference to be held in Nagasaki in November, will strengthen momentum toward disarmament and non-proliferation.
 4. We unequivocally support access to nuclear technology and energy for peaceful purposes by states that comply with their non-proliferation obligations. We are especially pleased to announce that both the United States and Japan, which strongly support the role of the International Atomic Energy Agency (IAEA) in promoting the benefits of the peaceful uses of nuclear technology, have pledged to extend their financial support to the IAEA Peaceful Uses Initiative over the next five years. The U.S. pledge of \$50 million and Japan's pledge of \$25 million will ensure that applications of nuclear science and technology continue to advance medical care and health improvement including cancer treatment and Ebola diagnosis, food and water security, clean oceans and disease eradication in regions of the world most in need.
 5. The IAEA safeguards system is a fundamental element of that framework and plays a critical role in preventing and addressing challenges to the global non-proliferation regime, by verifying that states are not diverting peaceful nuclear energy programs to develop weapons, and by responding to cases of non-compliance. We call on all states that have not yet done so to adhere to a Comprehensive Safeguards Agreement and the Additional Protocol as the recognized IAEA safeguards standard, and renew our willingness to assist states to implement safeguards agreements. We support the evolution of IAEA safeguards at the State level, and emphasize the importance of maintaining the credibility, effectiveness and integrity of the IAEA safeguards system. To preserve the future integrity of the NPT, action is needed to discourage any state from withdrawing from the Treaty as a way to escape its responsibilities or

- to misuse the fruits of peaceful cooperation with other states, as well as to encourage States Parties to remain in the Treaty by demonstrating tangible progress in all three pillars of the Treaty.
6. We underscore the imperative of addressing challenges to the integrity of the NPT and the non-proliferation regime posed by cases of noncompliance. We welcome the EU/E3+3 deal with Iran and encourage completion of the work that remains to fully resolve the international community's concerns regarding the exclusively peaceful nature of Iran's nuclear program as well as to ensure that Iran does not acquire nuclear weapons. We also remain committed to a diplomatic process to achieve North Korea's complete, verifiable and irreversible denuclearization. We urge North Korea to take concrete steps to honor its commitments under the 2005 Joint Statement of the Six-Party Talks, fully comply with its obligations under the relevant UNSC Resolutions, refrain from further provocation including nuclear tests and ballistic missile launches, return to the NPT and IAEA safeguards, and come into full compliance with its nonproliferation obligations.
 7. We also underscore the importance of promoting stringent export control in Asia and globally. We are determined to continue to work together to conduct outreach activities for Asian countries with a view to further enhancing their export control capacity as well as to promoting recognition that rigorous export controls foster confidence of trade or investment partners, and create a favorable environment for further economic growth rather than impeding trade and investment.

* * * *

Secretary Kerry delivered the U.S. national statement to the Parties to the NPT at the opening of the Treaty's ninth Review Conference at the United Nations in New York on April 27, 2015. First, Secretary Kerry relayed a message from President Obama on the importance of the NPT. The President's message is excerpted below and available along with Secretary Kerry's remarks, also excerpted below, at <http://www.state.gov/secretary/remarks/2015/04/241175.htm>. Also on April 27, the United States released its updated national report to the NPT Review Conference describing U.S. efforts to implement certain actions of the 2010 NPT Review Conference Final Document. The U.S. national report is available at <https://www.state.gov/documents/organization/241363.pdf>.

* * * *

President's Message:

I send greetings to all gathered in New York at the 2015 Nuclear Non-Proliferation Treaty (NPT) Review Conference.

For over 45 years, the NPT has embodied our shared vision of a world without nuclear weapons. Thanks to collective international efforts and commitment, the NPT is now the cornerstone of the nuclear nonproliferation regime, and those that predicted at the time of the

Treaty's signing that dozens of countries would soon possess nuclear weapons have thankfully been proven wrong.

While the NPT has demonstrated its worth, we know we have more to do. As I said in Berlin in 2013, we may no longer live in fear of global annihilation, but so long as nuclear weapons exist, we are not truly safe. The United States remains committed to all three pillars of the NPT—disarmament, nonproliferation, and encouragement of peaceful uses of the atom—and we are prepared to go further in meeting our obligations under the Treaty. We continue to lead efforts to stop the spread of nuclear weapons and reduce the role and number of our own, and we are dedicated to global efforts preventing proliferation. There are no shortcuts in this endeavor, and each step must be carefully taken to ensure that the security of all is increased along the way.

We have not yet achieved the ultimate goals enshrined in the Treaty—on this, we all agree—but it is only by seeking common ground and reinforcing shared interests that we will succeed in realizing a world free of nuclear dangers. Over the next few weeks and beyond the time of this conference, let us come together in a spirit of partnership to stop the spread of nuclear weapons, advance the peaceful uses of nuclear energy, and continue our journey on the path to peace and security.

Secretary's Remarks:

So, ladies and gentlemen, I am pleased to stand here today representing a President and an Administration that is committed to the vision of a world without nuclear weapons and to taking the prudent actions that are necessary to one day make that possible.

* * * *

...The vast majority of the world has come to the conclusion—united around the belief that nuclear weapons should one day be eliminated—that as President Obama said in Prague, moral leadership is more powerful than any weapon. And today the race to nuclear arms that once sparked the fear of imminent Armageddon in billions of human beings and hearts, that has been supplanted in a wary but steady march in the direction of reason towards the promise of peace.

Can we really create a future in which nuclear weapons exist only within the pages of history books? The answer is yes. ...

So the answer is yes, but the journey will be a long one. And it will take patience, cooperation, and persistence to complete.

But have no doubt: Every step you take that gets closer to it or that works to get closer to it, in fact, makes our planet safer. And one day when we finally approach the finish line, when we have conditions that allow us to go from a hundred warheads to zero, we will already be living in a world that is transformed, and transformed for the better.

For the past 45 years, the guiding light on these issues has been the Nuclear Nonproliferation Treaty. It's a pretty straightforward arrangement, nothing complicated. Countries without nuclear weapons will not obtain them; countries with nuclear weapons will move towards disarmament; and all countries will have access to peaceful nuclear energy.

But it's critical to remember that each one of those components—nonproliferation, disarmament, and the peaceful use of the atom—is an essential ingredient to the full embodiment of the NPT. The NPT cannot stand unless all three of those pillars are sturdy enough to support it.

And for this treaty to remain upright we need to ensure its words have weight, that its rules are binding, and that its parties are compliant. And that means that the world has to remain united in rejecting the proliferation of nuclear weapons anywhere.

So today there is the potential for historic progress towards that end. The United States and our P5+1 partners have come together with Iran around a series of parameters that, if finalized and implemented, will close off all of Iran's possible pathways to the nuclear material required for a nuclear weapon, and give the international community the confidence that it needs to know that Iran's nuclear program is indeed exclusively peaceful.

I want you to know the hard work is far from over and some key issues remain unresolved. But we are, in fact, closer than ever to the good comprehensive deal that we have been seeking. And if we can get there, the entire world will be safer.

Now it's important to remember that the NPT has always been at the heart of these negotiations. From day one we have been focused on bringing Iran back into compliance with its obligations under the treaty. And if ultimately the talks are successful, it will once again prove the power of diplomacy over conflict and reinforce the rule of law.

Now we have said from the beginning that any deal with Iran will rely not on promises, not on words, but on proof. It will ... rely on verification, which is really at the center of the NPT and the entire IAEA process. Obviously verification is at the heart of the NPT, and one of the most important things that we can do to support our nonproliferation goals is to strengthen the IAEA safeguards in order to ensure that the agency has exactly what it needs in order to be able to verify safeguard agreements. That's why the United States is working to bring the Additional Protocol into force globally and to make it the standard, the global standard for safeguards compliance.

Verifying nations' compliance with the NPT is critical, but it's not good enough if we don't also hold parties accountable to their violations. And North Korea is the most glaring example. As we all know, the DPRK continues to ignore its obligations, to undermine the nuclear nonproliferation regime, and threaten international security and peace.

So we have to be crystal clear: North Korea must abandon all its nuclear weapons and existing nuclear programs, return to the IAEA safeguards, and come into full compliance with the duties that it accepted when it first became part of the NPT. The Obama Administration continues to work with its regional allies and partners to set the stage for credible, renewed negotiations, but the onus remains on the DPRK to show that it is actually serious about addressing global concerns. Until that happens, it will only become more isolated from the rest of the world.

My friends, nonproliferation must be non-negotiable. There is no room under the NPT for a country to negotiate its way into becoming a nuclear-armed state. But we are mindful that in return for a commitment to refrain from pursuing nuclear weapons, nations around the world expect the existing nuclear powers to in their turn steadily disarm and fulfill their part of the bargain.

The United States is unequivocally committed to doing just that. We have and we will continue to scale down our arsenal, and to continue to move, step by step, toward nuclear disarmament. And I would say to you that our progress is indisputable. As of September 2014, the number of nuclear weapons in our stockpile has fallen to 4,717, or 85 percent below the Cold War peak. And yes, still way too many. Over the last 20 years alone, we have dismantled 10,251 warheads, with another approximately 2,500 warheads retired and in the queue for elimination. Now, this is complex and costly work, but we are committed to reducing this backlog. And I am

pleased to announce today that President Obama has decided that the United States will seek to accelerate the dismantlement of retired nuclear warheads by 20 percent.

Our commitment to disarmament is clear in other areas as well. We have pledged not to pursue new nuclear warheads or support new military missions or military capabilities for the weapons that we do have, and we haven't tested a nuclear weapon in 23 years. We have clearly demonstrated our commitment to abide by the Comprehensive Nuclear Test Ban Treaty. We have reduced the role that nuclear weapons play in our national security strategy. And the primary purpose today is simply to deter nuclear threats from others. We have reduced the alert status of our nuclear arsenal, and we have taken every reasonable step to ensure its safety, security, and strict control.

But as someone who has spent three decades focused on these issues, I know as well as anyone that we have a long way to go. And I share President Obama's belief that the same countries that ushered in the era of nuclear arms have a special responsibility to guide the world beyond it.

Despite significant reductions, the United States and Russia still possess more than 90 percent of the world's nuclear weapons. The New START Treaty ... has put both the United States and Russia on track to reduce our nuclear stockpiles to the lowest levels since the era of Eisenhower and Khrushchev. Implementation is going well and it remains on track, and it will reduce our current stockpile of weapons significantly. But we know that we can cut back even further, and President Obama has made clear our willingness, readiness, now, to engage and negotiate further reductions of deployed strategic nuclear weapons by up to one-third below the level set by New START. Let me underscore: That offer remains on the table, and we urge the Russians to take us up on it.

On that note, I want to emphasize our deep concerns regarding Russia's clear violation of its obligations under the Intermediate-Range Nuclear Forces Treaty. We are urging Russia to return to compliance. For decades, that treaty has contributed to the peace and the security in Europe and Asia. And there is no reason—no reason—to create new dangers by undermining it now.

As we build for the future, there are further steps that we can take. It begins with agreement now to start to negotiate a Fissile Material Cutoff Treaty. It involves initiatives to prepare for future arms control agreements, as we have started to do with a new International Partnership on Nuclear Disarmament Verification. It also includes legal assurances against the use of nuclear weapons against states that meet their obligations, as allowed under the protocols in regional nuclear-weapons-free zone treaties. And I am pleased to tell you today that the United States submitted the Protocol to the Central Asia Nuclear-Weapon-Free Zone Treaty to the U.S. Senate for its advice and consent to ratification.

So let me briefly underscore one point here: In 1994, under the Budapest Memorandum, the United States, Russia and the United Kingdom extended similar assurances to Ukraine, Kazakhstan and Belarus as they sent back to Russia the Soviet-era nuclear weapons that remained on their territory. This was an incredible act of leadership for the nonproliferation regime, which is why Russia's current approach to the Budapest Memorandum—disregarding it—is extraordinary.

We also remain firmly committed to holding the proposed conference on a regional zone in the Middle East, free of all weapons of mass destruction. And this zone is a hugely ambitious goal and fraught with challenges, but ambitious goals are always the ones worth pursuing. We support the regional efforts underway to reach agreement on terms for a conference, and those

terms must be shared by all—there is no prospect for engagement or agreement absent the consent of the states involved. And this principle needs to be observed and respected if a process is really to start. And if that’s the case, I guarantee you the effort will have the full support of the United States.

The third pillar of the NPT is to expand the peaceful uses of the atom. Here, too, the United States is proud to play a strong and supportive role.

The United States is pleased that we are, by far and away, the largest donor to the IAEA. Since the last Review Conference, we have provided close to \$200 million to promote peaceful nuclear applications, and today I’m happy to announce another \$50 million contribution to the agency’s Peaceful Uses Initiative. These resources will further expand global access to the peaceful atom, putting it to use for sustainable economic development.

The fact is that nuclear energy can be an incredible resource, with a stunning range of applications.

Through the IAEA’s Peaceful Uses Initiative, we are promoting food security by improving the detection of animal diseases in Africa and expanding food safety measures in Latin America. We are advancing human health by advancing early detection capabilities for Ebola in Africa and strengthening the capacity to detect and treat cancer around the world. And we are protecting the future of our planet by tracing pollution in marine waters, documenting the impacts of climate change, and reducing our climate emissions.

What’s important here is that all of this work underscores the fact that our march towards peace is not only marked by the steps that we take to dismantle and to disarm. It’s also about the steps that we take to develop, the steps we take to innovate, the steps that we take to build a more peaceful world, where the atom is not used or thought about being used to level cities, but to lift whole communities. That’s our destination, and that’s where we believe this march will take us.

* * * *

Rose Gottemoeller, Under Secretary of State for Arms Control and International Security, delivered remarks at the conclusion of the 2015 Nuclear Nonproliferation Treaty Review Conference on May 22, 2015. Her remarks, explaining the grounds for the U.S. decision not to join consensus on the final document, are excerpted below and available at

<http://www.state.gov/t/us/2015/242778.htm>.

* * * *

The United States has a deep and long-standing interest in global nonproliferation efforts. President Obama remains committed to pursuing the peace and security of a world without nuclear weapons. We remain unwavering in our support for the Nuclear Non-Proliferation Treaty (NPT), and believe that this Review Conference (RevCon) has demonstrated the broad international support for the Treaty and the critical role it plays in global security. Though this conference concludes today, it is clear that the NPT remains the enduring cornerstone for the global nonproliferation regime and will continue to serve as the focus for our efforts to achieve a world without nuclear weapons.

As a result of our sustained leadership, engagement, and flexibility in New York, we have made real progress the past four weeks in advancing the discussion on global nonproliferation policy, disarmament, and peaceful uses. Much of this is reflected in the draft final document tabled by the President of the Conference.

Throughout this Conference, we reaffirmed the central role of the NPT in international security and the importance of compliance, developed ideas on enhancing the role of the International Atomic Energy Agency, universalizing the Additional Protocol, increasing transparency among nuclear weapons states, further promoting disarmament education, fostering international collaboration in developing nuclear disarmament verification capabilities, bolstering contributions to the Peaceful Uses Initiative and working to develop methods to handle withdrawal from the Treaty.

Moreover, we acknowledged the sincere and shared concern of the humanitarian impact of nuclear weapons. It is precisely our understanding of the consequences of nuclear weapons use that drives our efforts to reduce—and eventually eliminate—nuclear weapons, and to extend forever the nearly 70 year record of non-use of nuclear weapons. Lasting nuclear disarmament will only be achieved through a sustained, collaborative effort to create the conditions for a world without nuclear weapons.

Madame President,

We have made clear throughout the process that we will not accept the efforts by some to cynically manipulate the RevCon to try and leverage the negotiation to advance their narrow objectives at the expense of the treaty or of our shared long-standing principles. We know that this Treaty is more important than one idea or one person or one country. We also made clear that we were prepared to conclude this conference without a final consensus document rather than endorse a bad final document, just as we have said about other matters in the international arena.

We were prepared to endorse consensus on all the other parts of the draft Final Document addressing the three pillars of the Treaty—disarmament, nonproliferation and the peaceful uses of nuclear energy.

Unfortunately, the language related to the convening of a regional conference to discuss issues relevant to the establishment of a Middle East zone free of all weapons of mass destruction and their delivery systems is incompatible with our long-standing policies.

We have long supported regional nuclear weapons-free zones, as these zones, when properly crafted and fully implemented, can contribute to international peace, security and stability. We have also stressed that the initiative for the creation of such zones should emanate from the regions themselves, and under a process freely arrived at and with the full mutual consent of all the states in the region.

Secretary Kerry noted at the opening of the Review Conference that we were firmly committed to holding the proposed conference on a regional zone in the Middle East, free of all weapons of mass destruction, provided that the terms for the conference would be agreed to by all regional states. Secretary Kerry also warned that there would be no prospect for engagement or agreement absent the consent of all the states involved.

Unfortunately the proposed language for a final document did not allow for consensus discussions among the countries of the Middle East for an agreement on the agenda and the modalities of the conference and set an arbitrary deadline for holding the conference. We attempted to work with other delegations—in particular, Egypt and other Arab League states—to improve the text; but a number of these states, and in particular Egypt, were not willing to let go

of these unrealistic and unworkable conditions included in the draft text. In the end, the proposed final document outlined a process that would not build the foundation of trust necessary for holding a productive conference that could reflect the concerns of all regional states.

The United States is also disappointed that the failure to show flexibility leaves us with no clearly defined path to convene a conference on the Middle East free zone. All the productive efforts to date, including the historic face-to-face consultations on regional security issues that occurred in Glicon, do not need to be abandoned, however. If all the states in the region show the political will to resume the process of building such a zone through consensus, direct dialogue and a broad-based agenda, the United States stands ready to be their strongest supporter.

Madam President,

We regret that we were not able to support the draft consensus document tabled by the President of the conference. The blame for the inability of this conference to produce a forward-looking consensus document, however, lies squarely with those states that were unable to show any flexibility in pursuit of the convening of a Middle East conference that enshrined the principles of consensus and equality.

In closing, Madam President, we appreciate the efforts of the vast majority of States Parties at this Review Conference, and in particular, your work and that of the Secretariat. While we regret that this Review Conference will not produce a final consensus document, we leave New York satisfied that the NPT will continue to serve as a fundamental norm undergirding all of our efforts to achieve international peace and security for all.

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b. P5 Conference

On February 6, 2015, the Nuclear-Weapon States (the P5) issued a joint statement at the conclusion of their conference in London. The joint statement, excerpted below, is available as a State Department media note at <http://www.state.gov/r/pa/prs/ps/2015/02/237273.htm>.

* * * *

1. The Nuclear Non-Proliferation Treaty (NPT) Nuclear-Weapon States (NWS), or P5, met in London, 4-5 February 2015, for the sixth P5 Conference to review progress towards fulfilling the commitments made at the 2010 NPT Review Conference and to discuss the next steps for the P5 Process. In particular the P5 considered the implementation of the 2010 Action Plan adopted by consensus as a roadmap for long term action. The P5 also considered a wide array of issues related to and steps towards making progress on all three pillars of the NPT: disarmament, non-proliferation and the peaceful uses of nuclear energy. In addition, the P5 had constructive and productive discussions with a number of non-nuclear-weapon states and civil society representatives.
2. In reaffirming their commitment towards achieving a world without nuclear weapons in accordance with the goals of the NPT, the P5 reflected on the contribution that the P5 Process has made in developing the mutual confidence and transparency among the P5 that is

essential to make progress towards multilateral nuclear disarmament. At the start of the second cycle of the process, all of the P5 noted the value of having an established dialogue, with each P5 state having now hosted a conference at least once. They welcomed how each conference had built on the success of the last and the increasing amount of intersessional work on issues such as the Comprehensive Nuclear-Test-Ban Treaty, the achievement of P5 consensus on a common reporting framework and the Glossary of Key Nuclear Terms, which have all contributed towards the implementation of the 2010 Action Plan.

3. At their 2015 Conference the P5 restated their belief that the Nuclear Non-Proliferation Treaty remains the essential cornerstone for the nuclear non-proliferation regime and the foundation for the pursuit of nuclear disarmament, and is an essential contribution to international security and stability. They reviewed the NPT Preparatory Committee process over the course of this Review Cycle and considered the upcoming 2015 Review Conference, where the P5 intend to make a joint statement. The P5 looked forward to working with all States Parties to the NPT to ensure a positive outcome to the Review Conference that is balanced across the three mutually reinforcing pillars.
4. The P5 reaffirmed that a step-by-step approach to nuclear disarmament that promotes international stability, peace and undiminished and increased security for all remains the only realistic and practical route to achieving a world without nuclear weapons. To this end, the P5 discussed issues related to international security and strategic stability and their nuclear doctrines in order to enhance mutual understanding in these areas. This included updates on New START implementation and the verification experiences of both the Russian Federation and the United States in relation to the New START Treaty. It was noted that, since the entry into force of the NPT, the step-by-step approach has already dramatically reduced the number of nuclear weapons held by the NWS from their Cold War peak. The P5 all reaffirmed the importance of full compliance with existing, legally-binding arms control, nonproliferation, and disarmament agreements and obligations as an essential element of international peace and security.
5. The P5 stressed that addressing further prospects for nuclear disarmament would require taking into account all factors that could affect global strategic stability. In doing so they stressed the importance of engaging in frank and constructive dialogue to that end.
6. The P5 reiterated their shared understanding about the severe consequences of nuclear weapon use and underlined their resolve to prevent such an occurrence from happening. They also reaffirmed their commitment to existing security assurances regarding the use, or threat of use, of nuclear weapons, including, in accordance with UNSCR 984 (1995), their readiness to assist non-nuclear-weapon States Parties to the NPT that may become the victims of a nuclear attack (terrorist or otherwise).
7. The P5 discussed efforts to achieve entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and recalled their commitment in the 2010 NPT Review Conference Final Document to promote and take concrete steps towards early entry into force of the CTBT and its universalization. They called upon all states to uphold national moratoria on conducting any nuclear explosion. It was noted that all members of the P5 have such a voluntary moratorium in place. P5 collaboration on improving and maintaining the International Monitoring System was reviewed. The P5 intend to release a joint statement on minimizing the impact of medical isotope production on the International Monitoring System. Further, particular note was made of the successful completion of the Integrated Field Exercise 2014 in Jordan, to which all members of the P5 contributed equipment, personnel and effort. The

P5 decided to continue regular technical meetings aimed at enhancing the verification regime and to hold a workshop on data quality objectives for radionuclide measurements for on-site inspections.

8. The P5 reiterated their full support for the United Nation's disarmament machinery, including the Conference on Disarmament (CD), and the Disarmament Commission. Whilst there was shared disappointment over the long-standing lack of consensus on a Programme of Work in the CD, the P5 welcomed the increased activity of the CD in its 2014 session and in particular informal substantive discussions held on all CD agenda items under the Schedule of Activities and the efforts of the Informal Working Group which sought to produce a Program of Work robust in substance and progressive over time in implementation. The P5 discussed efforts to find a way forward in the CD and reiterated their support for a comprehensive and balanced Program of Work which includes the immediate start of negotiations in the Conference on Disarmament on a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for use in nuclear weapons or other nuclear explosive devices (Fissile Material Cut-off Treaty (FMCT)) on the basis of CD/1299 and the mandate contained therein. The P5 stressed in this regard the importance of the ongoing discussions of the Group of Governmental Experts established by United Nations General Assembly Resolution 67/53.
9. The P5 also decided that they should increasingly engage with the wider disarmament community. To this end, a number of non-nuclear-weapon states were invited, for the first time, to a briefing and discussion session as part of the P5 Conference. The P5 delivered a briefing on the Conference before discussing a number of NPT-related matters in greater depth and expressed their desire to continue such discussions when preparing for the important steps of the next review cycle, building on the increased engagement that has taken place in recent months with the NNWS. In addition to this an outreach event was organised in conjunction with Chatham House, providing civil society the opportunity to engage with the P5.
10. The P5 co-operative work featured heavily during the discussions and progress was made on the Glossary of Key Nuclear Terms. The P5 announced their intention to release the first edition for the Ninth Review Conference. The P5 intend to revise and update the Glossary as appropriate in due course.
11. The P5 received updates on a variety of bilateral and multilateral projects regarding disarmament verification, including from some P5 members.
12. The P5 reiterated the need to find peaceful and diplomatic solutions to challenges to the non-proliferation regime. The P5 welcome the ongoing diplomatic process between the Islamic Republic of Iran and the P5+1, and highlighted their continued commitment to negotiations on a comprehensive settlement that would guarantee the exclusively peaceful nature of Iran's programme. Regarding the interaction between the International Atomic Energy Agency (IAEA) and Iran, they noted the urgent need for full co-operation in order to resolve all outstanding issues, including those related to possible military dimensions. Additionally, the P5 stressed their resolve for a diplomatic resolution to the nuclear issue on the Korean Peninsula so as to achieve its complete, verifiable and irreversible denuclearization in accordance with the 19 September 2005 Joint Statement of the Six-Party Talks.
13. The P5 stressed the importance of maintaining and strengthening the IAEA's safeguards system. Discussions covered matters such as the universalisation of the Additional Protocol.

14. In discussing nuclear-weapon-free zones, the P5 welcomed the signing of the Protocol to the Treaty on the Central Asia Nuclear Weapon Free Zone in 2014 and its subsequent ratification by France and the UK, and noted the relevant efforts by others to bring about the Protocol's entry into force. The P5 also expressed hope that progress would be made on the signature of the Protocol to the South East Asian Nuclear Weapon Free Zone Treaty, and encouraged the parties to that Treaty to continue to engage constructively in order to find solutions to outstanding issues. Furthermore, the P5 reaffirmed their full support for the efforts of the facilitator and co-conveners in holding a conference on establishing a weapons of mass destruction free zone in the Middle East, and urged all states of the region to redouble their efforts to reach consensus on arrangements so that a conference could be convened.
15. The P5 continued their discussion on the issue of withdrawal from the NPT. Whilst noting that every State Party has the right to withdraw under the provisions of Article X.1, the P5 expressed the hope that the Review Conference would reach consensus on recommendations concerning potential abuse of the exercise of the right of withdrawal.
16. The P5 reviewed actions by each of the P5 to promote the peaceful uses of nuclear energy by States Parties to the NPT in conformity with Articles I, II, and III of the NPT, and reaffirmed their support for the programs of the IAEA in this area, including the Technical Cooperation Program.
17. The NWS looked forward to continuing their dialogue in order to make progress on NPT obligations. The P5 welcomed France's generous offer to host the next P5 Conference. They looked forward to a consensual, balanced outcome to the 2015 Review Conference, which would do much to enhance the P5's continuing efforts to strengthen the NPT.

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c. *Litigation Involving Alleged NPT Breach*

On February 3, 2015, the district court granted the U.S. motion to dismiss a case brought by the Republic of the Marshall Islands alleging that the United States has breached its obligations under Article VI of the NPT. *Republic of the Marshall Islands v. United States*, No. 4:14-cv-01885-JSW (N.D. Cal.) The court dismissed on the grounds that the plaintiff lacks standing and that the case presents a non-justiciable political question. For discussion of the case and excerpts from the U.S. brief in support of its motion to dismiss, see *Digest 2014* at 802-07. Excerpts follow from the court's opinion.

* * * *

Plaintiff here alleges two injuries to support its claim of standing. First, Plaintiff asserts that the conduct by Defendants "leaves Plaintiff Nation exposed to the dangers of existing nuclear arsenals and the real probability that additional States will develop nuclear arms." ... Such a generalized and speculative fear of the possibility of future use of nuclear weapons does not constitute a concrete harm unique to Plaintiff required to establish injury in fact. ...

Plaintiff also asserts injury in the deprivation of their benefit of the bargain encompassed by the terms of the Treaty. ... Plaintiff contends that, as a signatory nation, it has standing to enforce the Treaty's provisions. See [Jamaica v. United States](#), 770 F.Supp. 627, 630 n. 6 (M.D.Fla.1991) ("As a contracting party to the treaty, Jamaica has standing to assert its claim that the treaty has been violated."). Plaintiff contends that it has standing to sue for breach and its injury would be redressed by the United States adherence to its Treaty obligations. Plaintiff argues that the Treaty creates rights and duties and the breach of the duties is a violation of the individual rights of the signatories conferred by virtue of the Treaty's terms. See [Zivotofsky ex rel. Ari Z. v. Sec'y of State](#), 444 F.3d 614, 617 (D.C.Cir.2006) ("Congress may create a statutory right or entitlement the alleged deprivation of which can confer standing to sue even where the plaintiff would have suffered no judicially cognizable injury in the absence of statute.").

Even assuming that breaches of a contract confer standing on parties to the contract, and that international agreements should be considered contracts, Plaintiff fails to account for the fact that the Court cannot mandate specific performance as a remedy or grant redress for its alleged injury. See, e.g., [Canadian Lumber Trade Alliance v. United States](#), 30 C.I.T. 391, 418–420, 425 F.Supp.2d 1321 (Ct. Int'l Trade 2006). Even if the Court could mandate specific performance on the part of the Defendants, the relief Plaintiff seeks is not attainable. See, e.g., [Gonzales v. Gorsuch](#), 688 F.2d 1263, 1267 (9th Cir.1982) (holding that plaintiff lacked standing where the relief sought would not redress the injuries alleged). The Court finds that the requested relief—that the United States negotiate in good faith on effective measures relating to nuclear disarmament—is insufficient to establish standing because the Court is unable to fashion any meaningful decree. See *id.* (citing [Greater Tampa Chamber of Commerce v. Goldschmidt](#), 627 F.2d 258, 263–64 (D.C.Cir.1980) (invalidation of international executive agreement will not redress injury because act of foreign sovereign necessary for relief)). Here, the requested relief does not account for the participation of all of the nuclear and non-nuclear states that are parties to the Treaty but are not parties to this suit. The Treaty does not create, and the Court may not enforce, a bilateral obligation between the United States and the Marshall Islands. The injury Plaintiff claims cannot be redressed by compelling the specific performance by only one nation to the Treaty.

Furthermore, the Court finds that the claim for relief raises a fundamentally non-justiciable political question which is constitutionally committed to the political branches of government. Requiring the Court to delve into and then monitor United States policies and decisions with regard to its nuclear programs and arsenal is an untenable request far beyond the purview of the federal courts. Having no judicially manageable standards by which to adjudicate the United States' alleged breach of the international agreement, the Court finds the political question better suited to the vagaries of the political branches of government and diplomatic channels.

B. Political Question.

Even assuming that Plaintiff could establish standing to sue, the Court finds that the question presented raises a fundamentally non-justiciable political question. The political question inquiry "proceeds from the age-old observation of Chief Justice Marshall that '[q]uestions, in their nature political, or which are, by the constitution and laws, submitted to the executive, can never be made in this court.'" [Alperin v. Vatican Bank](#), 410 F.3d 532, 544 (9th Cir.2005) (quoting [Marbury v. Madison](#), 1 Cranch 137, 5 U.S. 137, 170, 2 L.Ed. 60 (1803)). The non-justiciability of a political question is primarily a function of the separation of powers." [Baker v. Carr](#), 369 U.S. 186, 210, 82 S.Ct. 691, 7 L.Ed.2d 663 (1962). The doctrine

“excludes from judicial review those controversies which revolve around policy choices and value determinations constitutionally committed for resolution to the halls of Congress or the confines of the Executive Branch.” *Japan Whaling Ass’n v. Am. Cetacean Soc’y*, 478 U.S. 221, 230, 106 S.Ct. 2860, 92 L.Ed.2d 166 (1986).

The political question doctrine provides that a federal court having jurisdiction over a dispute should nevertheless decline to adjudicate it on the ground that the case raises questions which should properly be addressed by the political branches of government. See *Baker*, 369 U.S. at 210, 82 S.Ct. 691. The most appropriate case for applicability of the political question doctrine concerns the conduct of foreign affairs. *Id.* at 211, 82 S.Ct. 691. However, not every case involving foreign affairs or foreign relations raises a political question. In determining whether a particular matter raises political questions which the Court must decline to address, the Court must examine the following factors; “(1) a demonstrable constitutional commitment of the issue to a coordinate political department; (2) the lack of judicially discoverable and manageable standards for resolving it; (3) the impossibility of making a decision without first making a policy determination of the type clearly outside judicial discretion; (4) the court’s inability to resolve the issue without expressing lack of respect to the coordinate branches of government; (5) an unusual need for unquestioning adherence to a political decision already made; or (6) the potential for embarrassment from multifarious pronouncements by various departments on one question.” *Zivkovich v. Vatican Bank*, 242 F.Supp.2d 659, 665 (N.D.Cal.2002) (citing *Baker*, 369 U.S. at 217, 82 S.Ct. 691). If any one of these factors is “‘inextricable from the case,’ the court should dismiss the case as non-justiciable because it involves a political question.” *Id.*

Here, the Court finds that Plaintiff’s claims relate to “the foreign affairs function, which rests with the exclusive province of the Executive Branch under Article II, section 2 of the United States Constitution.” *Earth Island Institute v. Christopher*, 6 F.3d 648, 652 (9th Cir.1993). Plaintiff seeks to have this Court interpret the Treaty to enforce an obligation for the Executive to initiate discussions with foreign nations. This request would violate “the separation of powers, and this court cannot enforce it.” *Id.* In *Earth Justice*, the Ninth Circuit addressed the request by plaintiff to enforce a statute that required the Secretary of State to initiate discussions with foreign countries over the protection of sea turtles. The court held that the question presented was not justiciable and rejected the contention that the “lawsuit merely asks the district court to review and interpret congressional legislation.” *Id.* at 653.¹ Similarly, here, the Court is not empowered by the Constitution to require the Executive to initiate discussions with foreign nations over the reduction in its nuclear armaments or programs. The authority to negotiate with foreign nations is expressly committed to the Executive, a coordinate political department. See *Zivkovich*, 242 F.Supp.2d at 665.

Further, the Court finds that it lacks any judicially discoverable and manageable standards for resolving the dispute raised by Plaintiff in this matter. Plaintiff requests that this Court issue an injunction directing the Executive to take “all steps necessary to comply with its obligations under Article VI of the Treaty within one year of the Judgment, including by calling for and convening negotiations for nuclear disarmament in all its aspects.” ... What constitutes good faith efforts to pursue negotiations on effective measures relating to cessation of the nuclear arms race are determinations for the political branches to make, using the panoply of resources and expertise it has accumulated in the area of international security as well as diplomatic and military affairs. Plaintiff’s request that such efforts be effectuated within one year is arbitrary and fails to take into consideration the activities and willingness of other nations which are also signatories to the Treaty. The Court finds that it lacks the standards necessary to fashion the type

of injunctive relief Plaintiff seeks. Accordingly, the Court finds it must dismiss this case as non-justiciable because it involves a political question. See *Zivkovich*, 242 F.Supp.2d at 665.

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3. Nuclear Safety

On February 9, 2015, a diplomatic conference convened in Vienna to consider a proposal by Switzerland to amend the Convention on Nuclear Safety. Remarks by Ambassador Eliot Kang on behalf of the U.S. delegation are excerpted below and available at <http://www.state.gov/t/isn/rls/rm/2015/237313.htm>. As mentioned by Ambassador Kang, the diplomatic conference developed the Vienna Declaration on Nuclear Safety, which includes principles for the implementation of the Convention to prevent accidents and mitigate radiological consequences. The Vienna Declaration on Nuclear Safety, which is available at https://www.iaea.org/sites/default/files/cns_viennadeclaration090215.pdf, was adopted by consensus at the diplomatic conference, and the amendment proposed by Switzerland was not adopted.

* * * *

We recognize and appreciate Switzerland's efforts to raise the profile of the important issue of nuclear safety. We would also like to thank the parties to the Convention for the active dialogue over the past several months. This Convention was founded on the principle that a multilateral, incentive-based approach provides the best way to ensure a high level of nuclear safety worldwide. It allows safety standards and guidance to be strengthened by taking into account emerging technologies and lessons learned. The process leading up to this conference has once again proven the wisdom of that approach.

The United States strongly supports the Convention and views it as an important instrument for international cooperation. Although safety remains a national responsibility, international cooperation through a process of robust peer review is indispensable for strengthening nuclear safety. Nuclear safety is an ongoing concern, and its continuous, timely improvement should be our shared objective.

The Fukushima accident was a wake-up call for all of us. In the United States, the U.S. Nuclear Regulatory Commission conducted an exhaustive review of our nuclear power plants and required significant safety enhancements in light of the lessons learned from Fukushima. Those enhancements are now well underway at U.S. plants, with most of the major work expected to be completed by the end of 2016.

At the same time, the international community has come together to strengthen safety standards through a variety of efforts. The parties to this Convention led some of the most important of those efforts. In particular, the changes to the Convention's guidance that we undertook at the 6th Review Meeting in April 2014, demonstrate our collective determination to reinforce nuclear safety. To make this incentive convention function as it should, parties report

on their implementation of obligations under the Convention with reference to contemporaneous guidance reflecting internationally formulated safety guidelines. Thanks to the work we have undertaken, the guidance that was updated and put into effect in April 2014 incorporates key lessons learned from the Fukushima accident. This ability to immediately update guidance and safety standards—without amending the Convention—makes the Convention a modern, relevant, and effective instrument to improve nuclear safety well into the future.

We are now here at this diplomatic conference to consider how to build on that work and continue moving the Convention forward. As many parties have expressed during the preparatory process, the best way to do that is to commit and dedicate ourselves to vigorous implementation of the Convention. The United States appreciates the work of the Chair in helping to put on paper the views of the parties as they have been expressed over the past several months. We believe the proposed Vienna Declaration is an excellent reflection of the consensus among the parties to the Convention and we are ready to support it. Achieving consensus at the Diplomatic Conference sends a crucial message to the international community and the public that we stand united on the importance of nuclear safety and are taking timely and responsive action to improve it.

Mr. President, we all live in an increasingly interdependent world. This certainly holds true for nuclear safety. The declaration before us represents a political commitment to reinvigorate the principles of the Convention itself, and by coming together as a community to endorse it, we will be sending a powerful message to the world. We are telling the world that we understand our responsibilities and are meeting them in a way that can inspire confidence in the future peaceful uses of nuclear energy and technology.

We hope that all parties to the Convention will join us in supporting the proposed consensus outcome and commit to follow the principles outlined in the Declaration.

* * * *

On January 15, 2015, Japan submitted to the IAEA its instrument of acceptance of the Convention on Supplementary Compensation for Nuclear Damage (“CSC”), an international instrument relating to liability and compensation for damage caused by a nuclear accident. The Convention requires at least five signatory States with a minimum of 400,000 units of installed nuclear capacity to deposit their instrument of ratification, acceptance or approval with the IAEA prior to entry into force. Japan’s joining the CSC triggered entry into force on April 15, 2015, three months after the deposit of Japan’s instrument of acceptance. In addition to Japan, Argentina, Morocco, Romania, the United Arab Emirates, and the United States have joined the CSC. See *Digest 2013* at 665 for a discussion of Japan’s declaration of its intention to accede.

4. Regional Arrangements

a. Nuclear-Weapon-Free Zone in Central Asia

On April 27, 2015, the President transmitted to the U.S. Senate, for its advice and consent to ratification, the Protocol to the Treaty on a Nuclear-Weapon-Free Zone in

Central Asia, signed at New York on May 6, 2014. Daily Comp. Pres. Docs. 2015 Doc No. 00304, p. 1 (Apr. 27, 2015). See *Digest 2014* at 811-12 for background on the Protocol.

b. Nuclear Fuel Bank in Kazakhstan

On June 11, 2015, the IAEA approved an agreement to establish a nuclear fuel bank of low enriched uranium (“LEU”) in Kazakhstan. See June 12, 2015 State Department media note, available at <http://www.state.gov/r/pa/prs/ps/2015/06/243778.htm>. The fuel bank is to be operated by Kazakhstan, but the LEU will be owned by the IAEA and made available to IAEA member states for peaceful use in case LEU cannot be obtained commercially. The United States has expressed support for the creation of an international fuel bank to further a new framework for civil nuclear cooperation under which States can access peaceful nuclear power without increasing the risks of proliferation. As explained in the June 12 media note:

The LEU bank will also support our nuclear nonproliferation policies by reducing incentives for the spread of sensitive technologies to new countries. This undertaking further demonstrates Kazakhstan’s leadership in nonproliferation and nuclear security.

On August 27, 2015, Assistant Secretary Countryman delivered remarks at the signing ceremony in Astana, Kazakhstan of the IAEA Fuel Bank Agreement. His remarks are excerpted below and available at <http://www.state.gov/t/isn/rls/rm/2015/246375.htm>.

* * * *

Today, it is especially appropriate to recognize the Republic of Kazakhstan. When the IAEA Board of Governors selected Kazakhstan as the site of the Fuel Bank, it was a decision that was not just technically logical but also symbolically and politically important.

Kazakhstan has been a leader in nonproliferation and nuclear security dating back to President Nazarbayev’s historic decision in 1991 to close the Semipalatinsk Test Site, send all of the nuclear weapons in Kazakhstan back to Russia, and sign the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear weapons state.

It continues to be a valuable participant in the Nuclear Security Summit process. Recently, it took the important decision to host the new headquarters of the International Science and Technology Center here in Astana.

The United States remains committed to the agenda President Obama laid out in Prague in April 2009—that is, taking practical steps to achieving the goal of lasting peace and security in a world without nuclear weapons.

The IAEA LEU Fuel Bank is one such step. It is a mechanism that supports the growth of safe and secure nuclear power in ways that prevent proliferation and promote global security.

It will provide states with additional confidence in their ability to obtain nuclear fuel in an assured and predictable manner.

This Fuel Bank joins other initiatives such as the American Assured Fuel Supply, the U.K. Nuclear Fuel Assurance Mechanism, and the physical reserve of low enriched uranium maintained by the Russian Federation in Angarsk to provide additional assurance of supply to states—beyond the reliability of the commercial market.

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c. *ISTC in Kazakhstan*

On December 9, 2015, the United States, the European Union, Georgia, Japan, the Kingdom of Norway, the Kyrgyz Republic, the Republic of Armenia, the Republic of Kazakhstan, the Republic of Korea, and the Republic of Tajikistan signed the Agreement Continuing the International Science and Technology Center (“ISTC”). See December 9, 2015 State Department press release, available at <http://www.state.gov/t/isn/rls/prsrl/250496.htm>.

The ISTC was established in Moscow, Russia by a 1992 agreement that was provisionally applied in accordance with a 1993 protocol. After the Russian Federation decided to withdraw from the agreement establishing the ISTC, Kazakhstan offered to host the ISTC. The new headquarters will be at Nazarbayev University in Astana. The ISTC aims to direct scientists and engineers in states with technologies, expertise, and related materials applicable to WMD to engage in research and development activities for peaceful purposes and thereby minimize their incentives to engage in activities that could result in the proliferation of WMD or related materials. The agreement continuing the ISTC in Kazakhstan will enter into force once all signatories have deposited their instruments of ratification, acceptance, or approval.

d. *Middle East Weapon-Free Zone*

Ambassador Robert Wood, U.S. Permanent Representative to the Conference on Disarmament, delivered the U.S. explanation of vote on November 2, 2015 at the meeting of the First Committee at the 70th UN General Assembly on the draft resolution entitled, “The Risk of Nuclear Proliferation in the Middle East.” The U.S. explanation of vote follows and is also available at <http://usun.state.gov/remarks/6954>.

* * * *

Mr. Chairman, my delegation will vote “no” on draft resolution L.2, “The risk of nuclear proliferation in the Middle East.” As we have reported to this Committee many times before, our vote is based on the fact that such unbalanced resolutions will not advance a Middle East free of weapons of mass destruction and their delivery systems. Progress toward a regional zone agreement will require the engagement and constructive participation of all concerned states. Singling out one state for criticism—while ignoring the substantial security concerns and compliance challenges that remain in the region—will simply not advance this goal.

Be assured that the United States continues to strongly support universal adherence to the NPT and the goal of a Middle East zone free of weapons of mass destruction and their delivery systems. We have been clear that this worthy goal is enormously complex and achievable once essential conditions are in place.

Notwithstanding these challenges, we remain committed to supporting efforts to convene a conference on the establishment of a WMD-free zone in the Middle East. Getting there requires that the regional states agree on acceptable arrangements. Politically motivated resolutions will only move the regional states farther apart and undermine the trust and confidence necessary for resuming dialogue. We continue to believe that the only way to make meaningful progress is through face-to-face dialogue between the regional parties. The United States stands ready to actively support such discussions, but the impetus must come from the region itself. We encourage all the regional states, including the sponsors of this resolution, to call for renewed regional dialogue, so that real progress can be made toward a Middle East free of weapons of mass destruction.

* * * *

On November 11, 2015, Under Secretary Gottemoeller delivered remarks at a security colloquium in Amman, Jordan on principles for a WMD-Free Zone in the Middle East. Her remarks are excerpted below and available at <http://www.state.gov/t/us/2015/249440.htm>.

* * * *

... [O]ne of the most important and long-standing security challenges for this region is the establishment of a Weapons of Mass Destruction (WMD) Free Zone. We are now at a crossroad on this particular issue and we have two paths. The first is to assume that the region is incapable—because of politics and distrust—of creating a zone. The second is to accept that this region can and must create this zone.

Regions across the globe have managed to overcome disputes and differences to create nuclear weapon “free zones” and there is no doubt that such zones, when properly crafted, can play an important role in contributing to international peace, security, and stability.

The United States has long supported the goal of a Middle East free of all weapons of mass destruction (WMD) and their delivery systems, and we have worked actively over the past five years to fulfill a commitment we made at the 2010 Nuclear Non-Proliferation Treaty (NPT) Review Conference to convene a conference on the establishment of a Middle East WMD Free Zone.

Of course, we are also adamant that any conference related to a zone and the zone itself must emanate from the region and be based on arrangements freely arrived at by the regional states themselves.

While there is no one-size fits all approach to this and the region itself must do the heavy lifting, outside parties can help with the process.

To this end, the United States collaborated closely with the two other NPT depositaries (the United Kingdom and Russian Federation), along with the United Nations to facilitate direct regional dialogue aimed at reaching consensus on the agenda and modalities for the proposed conference. I want to commend the role of the Government of Finland, and in particular Ambassador Laajava as the conference facilitator for his tireless work.

These efforts culminated in five rounds of multilateral consultations held in Glion and Geneva, Switzerland, which we believe yielded important progress in several areas.

First, and most importantly, for the first time since the 1990s, Israel and Arab states held face-to-face meetings to substantively discuss regional arms control and non-proliferation issues. These meetings, while informal, made tangible progress in narrowing the gap among the regional states.

Through the consultative process, Arab states contributed ideas and commentary on conference modalities, and Israel's position evolved significantly. Despite early concerns regarding participation in an NPT-originated process to which it was not a party, Israel attended the consultations at a senior level, and eventually expressed its readiness to attend the proposed conference once regional states reached consensus on an agenda and other arrangements. Israel made clear, and we agree, that such a forum is urgently needed in order for regional states to address common security challenges. Unfortunately, the NPT Review Conference this spring did not produce consensus recommendations on how to advance the issue over the next five-year review cycle, leaving no clear path ahead toward convening the proposed conference or furthering the goal of a zone.

As I said, we are at a crossroads now and this region can choose collectively to make this goal a reality.

The various parties will disagree on the reasons for this lack of consensus, but rather than waste energy assigning blame, now is a time to look forward. Recriminations over the outcome of the Review Conference will not advance this issue; we need to think hard about the tough decisions that will be needed to move this process forward, building on the achievements made during the Glion and Geneva consultations.

From the start, we have approached this effort fully cognizant of the enormous complexity of making such a zone a reality. On a technical level, the creation of a zone that extends to all categories of weapons of mass destruction—nuclear, chemical, biological, as well as their delivery systems—has never been attempted elsewhere in the world and presents a unique set of verification challenges. Much work has been done by various organizations to advance this technical topic, and that work should continue.

Politically and strategically, the Middle East poses a number of factors not present in other regions of the world that have created nuclear weapon free zones, including the non-recognition of Israel by the majority of regional states, the regional tendency to resort to international pressure rather than direct engagement, and a host of complex security and compliance issues.

Conceptually, the parties view the role of arms control and regional security in very different ways. Arab states consider a zone treaty to be a predicate for better relations and

improved security among states in the region. For Israel, it's the reverse, with confidence building and security as the necessary precursor for achievement of a regional zone. It will be necessary to find ways to bridge this divide for any process the parties may consider.

Despite these challenges, again, progress is possible if all parties work in a mutually fair and collaborative manner.

First and foremost, a successful zone can only happen through direct, face-to-face dialogue among the regional states themselves.

Every other nuclear-free zone in the world has been created through direct dialogue among regional states. Unfortunately, the approach in the Middle East has been exactly the opposite: avoiding direct regional dialogue and asking P 5 states—more precisely, the United States, the United Kingdom and Russia, with support from the UN—simply to impose a Zone. Direct dialogue among states is even more important in the Middle East, due to the serious lack of trust in the region, which is deeply seated and reflected in the stark difference of views regarding how to advance regional arms control.

We have privately and publically encouraged the regional parties to resume direct discussions, so that the gap between the regional states can be bridged and the proposed conference convened.

We are willing to support discussions in various formats, but believe that progress may be more achievable in a smaller format, which would allow for deeper discussions of the issues.

Other approaches, including actions aimed at coercing or isolating regional parties through international fora like the UN or in technical agencies like the IAEA, will not advance a WMD-free zone in the region and will continue to prove counterproductive. As such, the United States will continue to strongly reject such efforts.

Finally, the U.S. position is unwavering—we support a Middle East WMD Free Zone, but we are firm in our belief that the impetus for further progress such efforts must come from the countries here in the region.

All regional parties must now show the political will to resume the process of building a zone through consensus, direct dialogue, and a broad-based agenda.

No one should be under the illusion that this process will be easy. This is an enormously complex, long-term goal, which will require that essential conditions be in place, including a comprehensive and durable peace in the region, and compliance by all regional states with their arms control and non-proliferation obligations.

It can seem daunting, but as Secretary Kerry emphasized, the idea of a WMD-free zone in the Middle East is “a hugely ambitious goal and fraught with challenges, but ambitious goals are always the ones worth pursuing.”

* * * *

5. Nuclear Security

a. Nuclear security treaties

On June 4, 2015, Secretary Kerry issued a press statement to announce that the United States Congress had passed, and President Obama had signed, implementing legislation for several nuclear security treaties. Secretary Kerry's press statement follows and is available at <http://www.state.gov/secretary/remarks/2015/06/243196.htm>.

* * * *

This week, President Obama signed into law implementing legislation for treaties that represent legal cornerstones of the global nuclear security architecture, the strengthening of which is a key goal of the Nuclear Security Summits. This legislation will also enhance protections against threats from nuclear, biological, and chemical weapons.

...The Department of State is now preparing the instruments of ratification of these important treaties for the President's signature.

I want to personally thank the U.S. Congress, particularly the House and Senate Judiciary Committees, for their efforts on this critically important legislation. It is a laudable example of the good we can accomplish when two branches of government and two parties come together to strengthen our nation's security. It is also yet another indication that the United States is committed on a bipartisan basis to eliminating the greatest threat to global security: nuclear terrorism.

The [Convention on the Physical Protection of Nuclear Material] amendment establishes new international norms for the physical protection of nuclear materials and facilities, including protection from sabotage. It also provides for expanded cooperation among state parties and defines new criminal offenses that must be made punishable by state parties under their domestic law. Once our national ratification actions are completed, the United States will work with other countries to secure the 16 additional ratifications that are needed in order for the amendment to enter into force with the goal of achieving this by the end of the year.

The [International Convention for the Suppression of Acts of Nuclear Terrorism] provides a specific legal basis for international cooperation in the investigation, prosecution, and extradition of those who commit terrorist acts involving radioactive material or a nuclear device, or any device that may emit radiation or disperse radioactive material.

The [two Protocols to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation] establish the first international treaty framework for criminalizing certain terrorist acts, including using a ship or fixed platform in a terrorist activity, transporting weapons of mass destruction or their delivery systems and related materials, and transporting terrorist fugitives.

U.S. ratification of these treaties will honor U.S. pledges made at the 2010 Nuclear Security Summit and at the Proliferation Security Initiative 10th Anniversary Meeting in 2013. We call on all countries who share our commitment to preventing nuclear terrorism to join and fully implement these treaties.

* * * *

On September 30, 2015, the United States deposited its instrument of ratification for the International Convention for the Suppression of Acts of Nuclear Terrorism ("Nuclear Terrorism Convention" or "ICSANT") at the UN in New York. See September 30, 2015 State Department media note, available at <http://www.state.gov/r/pa/prs/ps/2015/09/247636.htm>. The United States became the 100th State Party to the Treaty. As described in the September 30 media note, the

Nuclear Terrorism Convention provides “a legal basis for international cooperation in the investigation, prosecution, and extradition of those who commit offenses involving radioactive material or a nuclear device, or any device that may emit radiation or disperse radioactive material.” The Nuclear Terrorism Convention was adopted on April 13, 2005 and the U.S. Senate gave its advice and consent to ratification in 2008. See *Digest 2008* at 94-95. But the United States could not deposit its instrument of ratification until the passage of implementing legislation in 2015, discussed above. The Convention entered into force for the United States on October 30, 2015.

On July 31, 2015, the United States deposited its instrument of ratification to the Amendment to the Convention on the Physical Protection of Nuclear Material, adopted at Vienna July 8, 2005. The Amendment had not yet entered into force at the end of 2015, as the threshold number of ratifications had not yet been met.*

On August 28, 2015, the United States deposited its instrument of ratification to the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, adopted at London, October 14, 2005. The Protocol entered into force for the United States on November 26, 2015.

Also on August 28, 2015, the United States deposited its instrument of ratification to the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, adopted at London on October 14, 2005. The Protocol entered into force for the United States on November 26, 2015.

b. *Threat of nuclear terrorism*

On September 18, 2015, Under Secretary Gottemoeller gave a speech on the threat of nuclear terrorism at The Citadel’s Intelligence and Security Conference. Her remarks are excerpted below and available at <http://www.state.gov/t/us/2015/247083.htm>.

* * * *

During the Cold War, efforts to maintain strategic stability and deterrence helped to prevent the use of nuclear weapons. Today, the threats we face do not lend themselves to the classic understandings of nuclear deterrence. As President Reagan’s former Secretary of State George Shultz has said, “If...the people who are [perpetrating] suicide attacks...get a nuclear weapon, they are almost by definition not deterrable.”

In a multipolar and asymmetric world, the constraints that held back nuclear conflagration for so long are straining at the seams.

There are two primary pathways by which terrorist groups could acquire a nuclear weapon: by directly acquiring a nuclear weapon itself from a nuclear weapons state’s arsenal, or by acquiring enough nuclear materials to construct an improvised nuclear device.

* Editor’s note: That threshold for entry into force was reached in 2016.

The successful detonation by a terrorist group of even a crude and improvised nuclear device in a major city could result in the deaths of thousands and have significant, if not unfathomable, economic and political global consequences.

Recognizing this threat, President Obama has made preventing nuclear terrorism one of the United States' top foreign policy priorities, labeling it in his 2009 Prague speech "the single most important threat" to U.S. national security. This President and this Administration have backed up that assessment with the most concerted diplomatic effort to address nuclear security threats worldwide ever undertaken within the international community.

The fundamental task at hand is to prevent terrorists from accessing nuclear weapons or the fissile material that goes into a nuclear weapon. Without the material, which a terrorist organization cannot produce on its own, the threat is eliminated.

A cornerstone of this effort has been the Nuclear Security Summit process. The Summits are head-of-state-level events, attended by over 50 countries and international organizations. World leaders convene to discuss the risks of nuclear terrorism and commit to addressing those risks. To date there have been three Nuclear Security Summits, the first held in Washington in 2010, the second in Seoul in 2012, and the third in The Hague in 2014. The President will host the fourth Summit in Washington early in 2016.

As an expert who has worked on these issues for my whole career, I'll admit that fissile material control and risk reduction is a little "in the weeds" for heads of state. Fortunately, that has not been a problem at all. The leaders involved in the Nuclear Security Summits have really done their homework and are finding critical and creative solutions to this global problem. They have also committed their countries to pragmatic tasks to advance nuclear security.

The Summit process is advancing the twin goals of enhancing the international nuclear security architecture, and strengthening efforts to better secure vulnerable nuclear materials. Participants make nuclear security commitments at the Summits in the form of a Work Plan, Communiqués, national statements, and joint statements. Participants also share the results of their efforts at the Summits in their national progress reports. If you are interested, you can find them all on the State Department website.

These efforts are bearing fruit. The number of countries and facilities with Highly-Enriched Uranium (HEU) and Plutonium—the key materials in nuclear weapons—is decreasing and the quantities of these materials have been substantially reduced. Security practices and procedures at nuclear sites and in transit are improving and countries across the globe are better prepared to counter nuclear smuggling. In short, nuclear security measures are stronger worldwide.

While the 2016 Summit is expected to be the last in its current format, we look forward to working with Summit participants and all states on continued nuclear security efforts. International organizations such as the International Atomic Energy Agency (IAEA), the UN, the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, the Global Initiative to Combat Nuclear Terrorism, and INTERPOL will continue to facilitate this cooperation.

When it comes to nuclear terrorism, we are safer now than we were five years ago, but more remains to be done. The United States will continue to work with international partners to ensure that dangerous nuclear materials are accounted for and secured worldwide. Unending vigilance is required if we are to ensure that terrorist groups who may seek to acquire these materials are never able to do so.

Working toward this end, the United States puts its money where its mouth is. We are the largest national contributor to the IAEA's Nuclear Security Fund, providing more than \$70 million since 2010. These funds support cost-free experts, mission and technical visits to Member States, the development of nuclear security guidance and best practices, and the Incident and Trafficking Database.

The State Department's Counter Nuclear Smuggling Program (CNSP) is also working with key international partners to strengthen capacity to investigate nuclear smuggling networks, secure materials in illegal circulation, and prosecute the criminals who are involved. Countries such as Georgia and Moldova are to be commended for their recent arrests of criminals attempting to traffic HEU; significant progress has been made in this area. Unfortunately, continued seizures of weapon-usable nuclear materials indicate that these materials are still available on the black market.

In fact, in many countries, it is not illegal to possess or traffic dangerous radioactive or nuclear materials. In some countries where it is illegal, their existing criminal code does not allow for the adequate prosecution or sentencing of the criminals convicted of doing so. To help fill these gaps, CNSP helps countries amend their criminal code to incorporate the necessary provisions and allow for sentences that serve as both punishment and deterrent to these crimes. CNSP also conducts workshops and exercises with the police, prosecutors, and judges who handle these unique cases in order to ensure they are able to hold these criminals accountable.

A key piece of any criminal prosecution is ensuring that evidence is properly handled, analyzed, and presented in court. It's not different for nuclear and fissile materials, but this kind of evidence presents a unique challenge to law enforcement and technical experts—the challenge being that such material is radioactive. CNSP works with countries to build their analytical capabilities to meet courtroom requirements for the law and of course, for nuclear safety. This type of analysis belongs to a field known as nuclear forensics, and the United States is at the forefront of its study.

Similar to traditional forensic science, nuclear forensics aims to link materials, people, places, and events. Forensics can be aided when we are able to identify known characteristics and features of nuclear materials or devices. The United States has even developed nuclear forensic capabilities to identify where seized nuclear or other radioactive materials or a radiological dispersal device—also known as a dirty bomb—may have originated or who may be responsible. Such capabilities incentivize countries to make sure any material they have is locked down and secure. They would never want to be associated with a terrorist nuclear incident.

Multilaterally, the United States continues to Co-Chair with Russia the Global Initiative to Combat Nuclear Terrorism (GICNT), which is a voluntary partnership of 86 countries and five official observers committed to strengthening global capacity to prevent, detect, and respond to nuclear terrorism. Despite the terrible crisis that Russia created in Ukraine, our continued working relationship with Russia on the GICNT demonstrates our mutual concern over the threat of nuclear terrorism.

Over the past two years, the GICNT has held 15 multilateral activities, including workshops, tabletop exercises, and other practical activities that help partners address difficult and emerging nuclear security challenges.

GICNT has even held a mock trial focused on introducing nuclear forensic evidence in the courtroom to prosecute terrorist acts involving the use or unauthorized possession of nuclear or other radioactive materials. It underscored the need for countries to adopt strong legal provisions criminalizing these illicit acts before an incident occurs, reinforcing and

complementing the work the United States has already been doing in this area. It also highlighted the challenges of communicating scientific conclusions in judicial proceedings.

By focusing on the “human element” of nuclear security, the State Department’s Global Threat Reduction (GTR) program seeks to reduce the risk that non-state actors or proliferant states could develop an improvised nuclear device. While “guns, gates and guards” are an important aspect of nuclear security, GTR focuses on making sure that the staff at a nuclear facility are trustworthy and report suspicious activity. It is this human reliability factor that makes all the difference in nuclear security.

Developing a nuclear security culture is especially important in countries around the world that are now developing the underlying technical and human infrastructure. GTR works with nuclear technical organizations around the world to support the vetting of staff working to diminish the risk that an employee sympathetic to—or coerced by—terrorist groups, could divert nuclear materials or expertise.

There are also global legal structures that help reduce the risk of nuclear terrorism.

Back in June, the U.S. Congress enacted long-sought implementation legislation for the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT), an amendment to the Convention on the Physical Protection of Nuclear Material, and the Protocols to the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. It is a mouthful, I know and the news of this Congressional action was certainly not a trending topic on Twitter.

Nevertheless, with enactment of this legislation, the United States was now in a position to move forward to ratify these important treaties. I will be depositing our instrument of ratification for the ICSANT at the United Nations next week. This legislation was also significant in its bipartisan support: it is important for our national security that nuclear security remain a high-priority, non-partisan issue on Capitol Hill.

The United States knows that nuclear security efforts are never “finished.” As long as nuclear and radioactive materials exist, they require our utmost commitment to their protection, control, accounting and disposition.

With that, I will close, so we have time for questions, but I want to leave you with a final point. Nuclear terrorism is an absolutely terrifying phenomenon—an unthinkable danger looming over our cities, our families, our children. We have to be aware of this danger and we have to be aware of the fact that we can prevent it from ever happening.

The nonproliferation efforts I have mentioned today are all critical to our safety, as is our continued work on arms control and disarmament. The smaller the amount of weapons and materials, the smaller the risk. It’s just that simple and when it comes to international security, simple is rare. So nuclear disarmament is a goal that is manifestly in our national interest. It is the way, once and for all, to deal with nuclear terrorism.

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6. Country-Specific Issues

a. Democratic People’s Republic of Korea (“DPRK” or “North Korea”)

On May 19, 2015, Assistant Secretary Rose delivered remarks on the U.S. response to the threat posed by North Korean ballistic missile and WMD programs. His remarks are excerpted below and available at

<http://www.state.gov/t/avc/rls/2015/242610.htm>.

* * * *

The Threat from the DPRK's Ballistic Missile and WMD Programs

Just ten days ago, according to U.S. government information, North Korea conducted a ballistic missile-related ejection test, which was related to the DPRK's effort to develop a ballistic missile submarine. While this test is just one step in a long process, it nevertheless heightened tensions on the Peninsula and in the region. The test was also a clear violation of multiple UN Security Council Resolutions, including UNSCR 1718, that require North Korea to suspend all activities related to its ballistic missile program.

North Korea's ballistic missile programs date back to the 1990s.

In 1998, the DPRK conducted a test launch of a long-range ballistic missile that overflew Japan and irresponsibly dropped a rocket stage close to Japanese territory. The launch was not a success. However, the launch was a highly provocative act that spurred a concerted effort by the United States and our Allies to monitor, deter, and counter North Korean ballistic missile capabilities.

Since that time, North Korea has continued to make quantitative and qualitative advances in its ballistic missile program. For example, in 2012 North Korea placed a satellite in orbit with its Taepo-Dong space launch vehicle, which could be used as a ballistic missile. Furthermore, at a parade in Pyongyang in 2012, the regime unveiled what appeared to be a mobile ICBM (KN-08) with a range purportedly capable of reaching the United States. In addition to this ICBM, North Korea also has an intermediate-range ballistic missile (IRBM), which has not been flight-tested, but that is potentially capable of holding Guam and the Aleutian Islands at risk.

As part of a series of provocations last year, North Korea conducted multiple short- and medium-range ballistic missile launches and threatened to conduct additional longer-range launches. Today, North Korea fields hundreds of Scud and No Dong missiles that can reach all of the Korean Peninsula and threaten U.S. forces deployed in the region.

Running in parallel with an ever-evolving ballistic missile program, North Korea's nuclear weapons program remains a priority for the ruling regime. The United States and its Five Party partners—the Republic of Korea, Japan, China, and Russia—remain committed to North Korea's complete, verifiable and irreversible denuclearization. We remain open to dialogue with the DPRK, with the aim of returning to credible and authentic negotiations on the denuclearization of the Korean Peninsula, but North Korea has thus far been defiant. One of North Korea's more inflammatory actions was its third nuclear test conducted February 2013, timed with the birthday of the late Kim Jong-il.

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The BMD Response to the Threat from North Korea

The U.S. approach to defending against the possible ballistic missile threats from North Korea is two pronged. First, the United States is improving its capability to protect the U.S. homeland from an intercontinental ballistic missile launched from North Korea. Second, the United States works with regional allies to defend their territories from North Korean aggression,

and in the case of our alliances with Seoul and Tokyo, to develop alliance solutions to these threats. Simply put, as long as North Korea continues to develop and deploy ballistic missiles, the United States will work with our allies and partners to defend against this threat. This is a measured, limited, and prudent response.

With respect to the defense of the United States homeland, we are working toward greater missile defense capability and capacity with our commitment to increase our homeland defenses to 44 Ground Based Interceptors (GBIs) by the end of 2017. Additionally, we are also working to field a new kill vehicle for our Ground Based Interceptors and are continuing the development of a Long-Range Discrimination Radar (LRDR) with persistent sensor coverage that will improve our ability to discern between decoys and real incoming missiles fired against the U.S. homeland.

Our regional missile defenses in the Asia-Pacific help to reassure our allies and to deter North Korea from seeking to coerce or attack its neighbors.

We have encouraged our allies to contribute to their own defense by providing capabilities that can enhance their own security and add to stability in the Asia-Pacific region. The Korean Integrated Air and Missile Defense capability is a means to do just that and we continue to support South Korea in its development.

There has been a lot of discussion in the press recently about the possible deployment of a Terminal High Attitude Area Defense or THAAD system in the region. I will underscore although we are considering the permanent stationing of a THAAD unit on the Peninsula, we have not made a final decision, and we have had no formal consultations with the Republic of Korea on THAAD deployment. To be clear, THAAD is a purely defensive system that would improve our ability to intercept short- and medium-range ballistic missiles from North Korea. It does not and cannot impact broader strategic stability with Russia and China.

Earlier this year, I had an opportunity to visit the Korean demilitarized zone. Seeing UN and North Korean military personnel just yards apart highlighted the immediate stake South Korea has in preventing missile strikes fired from the North. We have worked closely with South Korea to ensure that our Alliance has the capacity to do just that. The United States deploys Patriot PAC-3 batteries in South Korea to defend U.S. and South Korean forces. In addition, South Korea is taking steps to enhance its own air and missile defense systems, which include sea- and land-based sensors, and upgrading its Patriot PAC-2 batteries to the PAC-3 system. Additionally, the U.S. Department of Defense continues to consult with South Korea about how it can improve its missile defense capabilities as part of an Alliance response to the growing North Korean missile threat.

North Korea's missile development does not just threaten South Korea, it also explicitly threatens Japan and the U.S. ability to deploy forces into the region in the event of a crisis on the Korean Peninsula. A number of North Korea's provocative missile tests have overflowed the Sea of Japan, creating understandable cause for alarm. In response to this growing threat, the United States and Japan continue to deepen their cooperation on BMD in several ways. Just last December, the United States and Japan announced the deployment of the second AN/TPY-2 radar to Japan. This radar, along with the first AN/TPY-2 already deployed in Japan, provides a critical addition to our regional deterrence and defense architecture, and builds on a deep and broad cooperation between the United States and Japan. This cooperation also includes joint development of an advanced interceptor and continuing work on enhancing interoperability between U.S. and Japanese forces.

Finally, we welcomed the inclusion of missile defense in the updated guidelines for U.S.-Japan defense cooperation. This reflects the valuable contribution of BMD to our collective self-defense and an acknowledgement of North Korea's destabilizing role in the region.

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Conclusion

To conclude, the diplomatic pressure on North Korea continues to intensify. In January, President Obama signed an Executive Order that authorizes new sanctions. Last September, the IAEA General Conference unanimously condemned North Korea's nuclear program, which China has exhibited unprecedented firmness in opposing.

Even as the international community grows more united, the United States and its allies cannot and will not stand idle in the face of threats and destabilizing actions by North Korea. Simply put, North Korea cannot obtain the security, prosperity, or respect it wants without negotiating an end to its provocative nuclear and missile programs.

Our goal remains to bring North Korea into compliance with all relevant United Nations Security Council Resolutions and its commitments under the 2005 Joint Statement of the Six Party Talks. We continue to call on North Korea to take credible steps to demonstrate its genuine commitment to denuclearization. Until the day North Korea embraces that opportunity, the United States will work to build homeland and regional missile defenses to deter and to respond to North Korean aggression.

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b. Iran—the Joint Comprehensive Plan of Action

On July 14, 2015, Iran and the P5+1 (the United States, China, France, Russia, and the UK, plus Germany), in coordination with the EU, reached an understanding on a Joint Comprehensive Plan of Action ("JCPOA") to address concerns over Iran's nuclear program. This understanding, which is not a legally binding international agreement, builds on the Joint Plan of Action ("JPOA"), which negotiators reached on November 24, 2013 (see *Digest 2013* at 468-71) and became effective on January 20, 2014 (see *Digest 2014* at 620-29 and 825-30). Previously, on April 2, 2015, the EU, P5+1, and Iran had arrived at a consensus on the key parameters of what became the JCPOA. See April 2, 2015 State Department media note, available at <http://www.state.gov/r/pa/prs/ps/2015/04/240170.htm>. Secretary Kerry's remarks after these parameters were announced in April in Lausanne are available at <http://www.state.gov/secretary/remarks/2015/04/240196.htm>. President Obama also delivered remarks on the April 2 parameters for the JCPOA, which he described as "cut[ting] off every pathway that Iran could take to develop a nuclear weapon." Daily Comp. Pres. Docs. 2015 DCPD Doc. No. 00230 (Apr. 2, 2015).

After the JCPOA was reached in July, the JPOA's provisions remained in place throughout 2015 as Iran began to take the key nuclear steps for implementation of the JCPOA. Under the JCPOA, once the International Atomic Energy Agency ("IAEA") verifies

that Iran has taken all of those key nuclear-related steps, the sanctions relief outlined in the JCPOA becomes effective.

Key excerpts from the JCPOA are identified in a White House summary, available at https://www.whitehouse.gov/sites/default/files/docs/jcpoa_key_excerpts.pdf and provided below. The JCPOA in its entirety is available at <http://www.state.gov/e/eb/tfs/spi/iran/jcpoa/>.

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Preamble and General Provisions

- The full implementation of this JCPOA will ensure the exclusively peaceful nature of Iran's nuclear program.
- Iran reaffirms that under no circumstances will Iran ever seek, develop, or acquire any nuclear weapons.
- This JCPOA will produce the comprehensive lifting of all UN Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear program.
- A Joint Commission consisting of the E3/EU+3 and Iran will be established to monitor the implementation of this JCPOA and will carry out the functions provided for in this JCPOA.
- The IAEA will be requested to monitor and verify the voluntary nuclear-related measures as detailed in this JCPOA. The IAEA will be requested to provide regular updates to the Board of Governors, and as provided for in this JCPOA, to the UN Security Council.
- The E3+3 will submit a draft resolution to the UN Security Council endorsing this JCPOA affirming that conclusion of this JCPOA marks a fundamental shift in its consideration of this issue and expressing its desire to build a new relationship with Iran.

Nuclear

Enrichment, Enrichment R&D, Stockpiles

- Iran's long term plan includes certain agreed limitations on all uranium enrichment and uranium enrichment-related activities including certain limitations on specific research and development (R&D) activities for the first 8 years, to be followed by gradual evolution, at a reasonable pace, to the next stage of its enrichment activities for exclusively peaceful purposes.
- Iran will begin phasing out its IR-1 centrifuges in 10 years. During this period, Iran will keep its enrichment capacity at Natanz at up to a total installed uranium enrichment capacity of 5060 IR-1 centrifuges. Excess centrifuges and enrichment-related infrastructure at Natanz will be stored under IAEA continuous monitoring.
(*Note: Iran currently has about 19,000 IR-1 and advanced IR-2M centrifuges installed*)
- Based on its long-term plan, for 15 years, Iran will keep its level of uranium enrichment at up to 3.67%.
(*Note: Prior to the Joint Plan of Action, Iran enriched uranium to near 20%*)
- Iran will refrain from any uranium enrichment and uranium enrichment R&D and from keeping any nuclear material at Fordow for 15 years.

(Note: Iran currently has about 2,700 IR-1 centrifuges installed at Fordow of which about 700 are enriching uranium)

- Iran will convert the Fordow facility into a nuclear, physics and technology center.
- 1044 IR-I machines in six cascades will remain in one wing at Fordow. Two of those six cascades will spin without uranium and will be transitioned, including through appropriate infrastructure modification, for stable isotope production. The other four cascades with all associated infrastructure will remain idle.
- During the 15 year period, Iran will keep its uranium stockpile under 300 kg of up to 3.67% enriched UF₆ or the equivalent in other chemical forms.

(Note: Iran currently maintains a stockpile of about 10,000 kg of low-enriched UF₆)

- All other centrifuges and enrichment-related infrastructure will be removed and stored under IAEA continuous monitoring.

Arak, Heavy Water, Reprocessing

- Iran will design and rebuild a modernized heavy water research reactor in Arak, based on an agreed conceptual design, using fuel enrichment up to 3.67%, in the form of an international partnership which will certify the final design. The reactor will support peaceful nuclear research and radioisotope production for medical and instructional purposes. The redesigned and rebuilt Arak reactor will not produce weapons grade plutonium.
- Iran plans to keep pace with the trend of international technological advancement in relying on light water for its future power and research with enhanced international cooperation including assurance of supply of necessary fuel.
- There will be no additional heavy water reactors or accumulation of heavy water in Iran for 15 years.
- Iran intends to ship out all spent fuel for all future and present power and research nuclear reactors.

Transparency and Confidence Building Measures

- Iran will provisionally apply the Additional Protocol to its Comprehensive Safeguards Agreement in accordance with Article 17 b) of the Additional Protocol.
- Iran will fully implement the “Roadmap for Clarification of Past and Present Outstanding Issues” agreed with the IAEA, containing arrangements to address past and present issues of concern relating to its nuclear program.
- Iran will allow the IAEA to monitor the implementation of the above voluntary measures for their respective durations, as well as to implement transparency measures, as set out by the JCPOA and its Annexes. These measures include: a long-term presence in Iran; IAEA monitoring of uranium ore concentrate produced by Iran from all uranium ore concentrate plants for 25 years; containment and surveillance of centrifuge rotors and bellows for 20 years; use of IAEA approved and certified modern technologies including on-line enrichment measure and electronic seals; and a reliable mechanism to ensure speedy resolution of IAEA access concerns for 15 years, as defined in Annex I.
- Iran will not engage in activities, including at the R&D level, that could contribute to the development of a nuclear explosive device, including uranium or plutonium metallurgy activities.
- Iran will cooperate and act in accordance with the procurement channel in this JCPOA, as detailed in Annex IV, endorsed by the UN Security Council resolution.

Sanctions

- The UN Security Council resolution endorsing the JCPOA will terminate all the provisions of the previous UN Security Council resolutions on the Iranian nuclear issue simultaneously with the IAEA-verified implementation of agreed nuclear-related measures by Iran and will establish specific restrictions.
- The EU will terminate all provisions of the EU Regulation, as subsequently amended, implementing all the nuclear related economic and financial sanctions, including related designations, simultaneously with IAEA-verified implementation of agreed nuclear-related measures by Iran as specified in Annex V.
- The United States will cease the application, and will continue to do so, in accordance with the JCPOA, of the sanctions specified in Annex II, to take effect simultaneously with the IAEA-verified implementation of the agreed upon related measures by Iran as specified in Appendix V.
(*Note: U.S. statutory sanctions focused on Iran's support for terrorism, human rights abuses, and missile activities will remain in effect and continue to be enforced.*)
- Eight years after Adoption Day or when the IAEA has reached the Broader Conclusion that all the nuclear material in Iran remains in peaceful activities, whichever is earlier, the United States will seek such legislative action as may be appropriate to terminate or modify to effectuate the termination of sanctions specified in Annex II.

Implementation Plan

- Finalization Day is the date on which negotiations of this JCPOA are concluded among the E3/EU+3 and Iran, to be followed promptly by submission of the resolution endorsing this JCPOA to the UN Security Council for adoption without delay.
- Adoption Day is the date 90 days after the endorsement of this JCPOA by the UN Security Council, or such earlier date as may be determined by mutual consent of the JCPOA participants, at which time this JCPOA and the commitments in this JCPOA come into effect.
- Implementation Day is the date on which, simultaneously with the IAEA report verifying implementation by Iran of the nuclear-related measures described in Sections 15.1 to 15.11 of Annex V, the EU and the United States takes the actions described in Sections 16 and 17 of Annex V.
- Transition Day is day 8 years after Adoption Day or the date on which the Director General of the IAEA submits a report stating that the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, whichever is earlier.
- UN Security Council resolution termination day is the date on which the UN Security Council resolution endorsing this JCPOA terminates according to its terms, which is to be 10 years from Adoption Day.

Dispute Resolution Mechanism

- If Iran believed that any or all of the E3/EU+3 were not meeting their commitments under this JCPOA, Iran could refer the issue to the Joint Commission for resolution; similarly, if any of the E3/EU+3 believed that Iran was not meeting its commitments under the JCPOA, any of the E3/EU+3 can do the same. The Joint Commission would have 15 days to resolve the issue, unless the time period was extended by consensus.
- After Joint Commission consideration, any participant could refer the issue to ministers of foreign affairs, if it believed the compliance issue had not been resolved. Ministers

would have 15 days to resolve the issue, unless the time period was extended by consensus.

- If the issue has still not been resolved to the satisfaction of the complaining participant, and if the complaining participant deems the issue to constitute significant non-performance, then that participant could treat the unresolved issue as grounds to cease performing its commitments under this JCPOA in whole or in part and / or notify the UN Security Council that it believes the issue constitutes significant non-performance.

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President Obama delivered remarks on reaching the JCPOA with Iran on July 14, 2015. Daily Comp. Pres. Docs. 2015 DCPD No. 00493, pp. 1-4 (Apr. 2, 2015). The President's remarks are excerpted below.

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Today, after 2 years of negotiations, the United States, together with our international partners, has achieved something that decades of animosity has not: a comprehensive, long-term deal with Iran that will prevent it from obtaining a nuclear weapon.

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Today, because America negotiated from a position of strength and principle, we have stopped the spread of nuclear weapons in this region. Because of this deal, the international community will be able to verify that the Islamic Republic of Iran will not develop a nuclear weapon.

This deal meets every single one of the bottom lines that we established when we achieved a framework earlier this spring. Every pathway to a nuclear weapon is cut off. And the inspection and transparency regime necessary to verify that objective will be put in place. Because of this deal, Iran will not produce the highly enriched uranium and weapons-grade plutonium that form the raw materials necessary for a nuclear bomb.

Because of this deal, Iran will remove two-thirds of its installed centrifuges—the machines necessary to produce highly enriched uranium for a bomb—and store them under constant international supervision. Iran will not use its advanced centrifuges to produce enriched uranium for the next decade. Iran will also get rid of 98 percent of its stockpile of enriched uranium.

To put that in perspective, Iran currently has a stockpile that could produce up to 10 nuclear weapons. Because of this deal, that stockpile will be reduced to a fraction of what would be required for a single weapon. This stockpile limitation will last for 15 years.

Because of this deal, Iran will modify the core of its reactor in Arak so that it will not produce weapons-grade plutonium. And it has agreed to ship the spent fuel from the reactor out of the country for the lifetime of the reactor. For at least the next 15 years, Iran will not build any new heavy-water reactors.

Because of this deal, we will, for the first time, be in a position to verify all of these commitments. That means this deal is not built on trust, it is built on verification. Inspectors will have 24/7 access to Iran's key nuclear facilities.

Inspectors will have access to Iran's entire nuclear supply chain: its uranium mines and mills, its conversion facility, and its centrifuge manufacturing and storage facilities. This ensures that Iran will not be able to divert materials from known facilities to covert ones. Some of these transparency measures will be in place for 25 years.

Because of this deal, inspectors will also be able to access any suspicious location. Put simply, the organization responsible for the inspections, the IAEA, will have access where necessary, when necessary. That arrangement is permanent. And the IAEA has also reached an agreement with Iran to get access that it needs to complete its investigation into the possible military dimensions of Iran's past nuclear research.

Finally, Iran is permanently prohibited from pursuing a nuclear weapon under the Nuclear Non-Proliferation Treaty, which provided the basis for the international community's efforts to apply pressure on Iran.

As Iran takes steps to implement this deal, it will receive relief from the sanctions that we put in place because of Iran's nuclear program, both America's own sanctions and sanctions imposed by the United Nations Security Council. This relief will be phased in. Iran must complete key nuclear steps before it begins to receive new sanctions relief. And over the course of the next decade, Iran must abide by the deal before additional sanctions are lifted, including 5 years for restrictions related to arms and 8 years for restrictions related to ballistic missiles.

All of this will be memorialized and endorsed in a new United Nations Security Council resolution. And if Iran violates the deal, all of these sanctions will snap back into place. So there's a very clear incentive for Iran to follow through, and there are very real consequences for a violation.

That's the deal. It has the full backing of the international community. Congress will now have an opportunity to review the details, and my administration stands ready to provide extensive briefings on how this will move forward.

As the American people and Congress review the deal, it will be important to consider the alternative. Consider what happens in a world without this deal. Without this deal, there is no scenario where the world joins us in sanctioning Iran until it completely dismantles its nuclear program. Nothing we know about the Iranian Government suggests that it would simply capitulate under that kind of pressure. And the world would not support an effort to permanently sanction Iran into submission. We put sanctions in place to get a diplomatic resolution, and that is what we have done.

Without this deal, there would be no agreed-upon limitations for the Iranian nuclear program. Iran could produce, operate, and test more and more centrifuges. Iran could fuel a reactor capable of producing plutonium for a bomb. And we would not have any of the inspections that allow us to detect a covert nuclear weapons program. In other words, no deal means no lasting constraints on Iran's nuclear program.

Such a scenario would make it more likely that other countries in the region would feel compelled to pursue their own nuclear programs, threatening a nuclear arms race in the most volatile region of the world. It would also present the United States with fewer and less effective options to prevent Iran from obtaining a nuclear weapon.

But I will remind Congress that you don't make deals like this with your friends. We negotiated arms control agreements with the Soviet Union when that nation was committed to our destruction. And those agreements ultimately made us safer. I am confident that this deal will meet the national security interests of the United States and our allies. So I will veto any legislation that prevents the successful implementation of this deal.

We do not have to accept an inevitable spiral into conflict, and we certainly shouldn't seek it. And precisely because the stakes are so high, this is not the time for politics or posturing. Tough talk from Washington does not solve problems. Hard-nosed diplomacy, leadership that has united the world's major powers offers a more effective way to verify that Iran is not pursuing a nuclear weapon.

Now, that doesn't mean that this deal will resolve all of our differences with Iran. We share the concerns expressed by many of our friends in the Middle East, including Israel and the Gulf States, about Iran's support for terrorism and its use of proxies to destabilize the region. But that is precisely why we are taking this step, because an Iran armed with a nuclear weapon would be far more destabilizing and far more dangerous to our friends and to the world.

Meanwhile, we will maintain our own sanctions related to Iran's support for terrorism, its ballistic missile program, and its human rights violations. We will continue our unprecedented efforts to strengthen Israel's security, efforts that go beyond what any American administration has done before. And we will continue the work we began at Camp David to elevate our partnership with the Gulf States to strengthen their capabilities to counter threats from Iran or terrorist groups like ISIL.

However, I believe that we must continue to test whether or not this region, which has known so much suffering, so much bloodshed, can move in a different direction.

Time and again, I have made clear to the Iranian people that we will always be open to engagement on the basis of mutual interests and mutual respect. Our differences are real and the difficult history between our nations cannot be ignored. But it is possible to change. The path of violence and rigid ideology, a foreign policy based on threats to attack your neighbors or eradicate Israel—that's a dead end. A different path, one of tolerance and peaceful resolution of conflict, leads to more integration into the global economy, more engagement with the international community, and the ability of the Iranian people to prosper and thrive.

This deal offers an opportunity to move in a new direction. We should seize it.

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After the JCPOA was reached on July 14, Under Secretary of State for Political Affairs Wendy Sherman held a special briefing to explain key aspects of the deal. The briefing is excerpted below and available in full at <http://www.state.gov/p/us/rm/2015/245007.htm>. Secretary Kerry also made himself available for a press briefing in Vienna on July 14, a record of which is available at <http://www.state.gov/secretary/remarks/2015/07/244885.htm>.

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Put simply, we have always said that no deal is better than a bad deal and that we had to get a good deal and the right deal, and we believe that this is a very good deal. It fulfills the framework for a comprehensive deal that was reached in Lausanne and goes beyond that framework in several areas. It cuts off all of Iran's pathways to fissile material for a nuclear weapon; it ensures the vigorous inspections and transparency necessary to verify that Iran cannot pursue a nuclear weapon; it ensures that sanctions will snap back into place if Iran violates the deal; and it is a long-term deal, including elements that are permanent.

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This is an issue that was created by the world. It was created by the United Nations Security Council resolutions. It was solved by the world in the P5+1 and the European Union facilitating, and now will be endorsed in a UN Security Council resolution that was introduced by Ambassador Power yesterday and joined by the P5 and, we hope, by every member of the Security Council for passage—we hope early next week. The world has worked hard to resolve this peacefully, and as we come to the 70th anniversary of the United Nations, it is fitting that, in fact, multilateral diplomacy can be shown to work.

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[T]here is an interim period of 60 to 90 days that I think will accommodate ... congressional review. ...

So what we worked out is a process that allows this time and space for the congressional review before it takes effect. And there may be other legislatures who also want to look at this. So it anticipates that there is a period of review, while at the same time allowing the international community to speak.

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[W]hen [UN Security Council Resolution] 1929 was done, ... the arms restrictions sanctions and the missile restrictions, but particularly the arms, were really a consequence of Iran's behavior on the nuclear file and was meant as a further consequence to what it had done. But if you read 1929 carefully, it basically says that once Iran enters into a negotiated solution to show that its program is exclusively peaceful, one could read 1929 to mean that those sanctions should then come off.

However, we are all very concerned about Iran's activities in the region and around the world in terms of the import and export of arms. We are very concerned about the potential transfer of missile technology that might be designed for having the capability of being a delivery system for nuclear weapons. And even though Iran, China, Russia thought that these sanctions, these restrictions, should come off immediately, the rest of the P5+1 did not think they should come off immediately.

And so at the end of the day, we were able to negotiate that these restrictions would stay in place even though one could read 1929 to read that they should have technically come off. We kept them on. We kept them on under Article 41 of Chapter 7 of the UN Security Council resolutions, and we kept them on for some years—the arms for five and missiles for eight.

Now, there are many other resolutions at the UN that cover Hizballah, that cover Syria, that cover Yemen, that impose continuing restrictions on Iran. We have our own unilateral

sanctions that continue to impose restrictions because of their activities around the world that are connected to terrorism or human rights or other missile-related activity. So we think we actually negotiated a very tough consequence in this situation, given that not all of our partners were together. We also knew, because the partners were not together on this issue, that it would be an issue that would happen at the end and would not be resolved until the end, and that's what happened.

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The P5 members have made a political decision and conveyed to the secretary-general of the United Nations that at the end of the termination of the 10-year UNSCR that they will introduce an additional resolution to put in place the same mechanism for an additional five years.

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On July 19, 2015, the State Department transmitted the complete JCPOA, including annexes and related material, to Congress, in accordance with the Iran Nuclear Agreement Review Act of 2015. See State Department July 19, 2015 press statement, available at <http://www.state.gov/r/pa/prs/ps/2015/07/245051.htm>. The transmittal included the Unclassified Verification Assessment Report on the JCPOA and the Intelligence Community's Classified Annex to the Verification Assessment Report. Transmittal of the JCPOA to Congress triggered the 60-day review period, beginning on July 20, under the Iran Nuclear Agreement Review Act.

Ambassador Power announced on the day the JCPOA was reached that the United States would submit a draft Security Council resolution on behalf of the P5+1 and the EU within days that would endorse the deal and take other steps, including replacing the existing Security Council sanctions regime with the restrictions in the JCPOA. See July 14, 2015 statement by Ambassador Power on the Joint Comprehensive Plan of Action, available at <http://iipdigital.usembassy.gov/st/english/texttrans/2015/07/20150714316677.html#axzz45odOagGZ>.

On July 20, 2015 the UN Security Council adopted Resolution 2231 on Iran. U.N. Doc. S/RES/2231 (2015). Ambassador Power provided the U.S. explanation of vote on the resolution, excerpted below and available at <http://usun.state.gov/remarks/6765>.

* * * *

Today we have adopted a UN Security Council resolution enshrining the Joint Comprehensive Plan of Action, JCPOA, agreed to six days ago in Vienna. By now, many are familiar with the basic tenets of the deal, which, if implemented, would cut off all pathways to fissile material for a nuclear weapon for the Islamic Republic of Iran, while putting in place a rigorous inspection and transparency regime to verify Iran's compliance.

The JCPOA will cut the number of Iran's centrifuges by two-thirds and prevent Iran from producing weapons-grade plutonium. Iran will also get rid of 98 percent of its stockpile of enriched uranium—going from a quantity that could produce approximately ten nuclear weapons, to a fraction of what is needed for a single nuclear weapon. The deal will quadruple Iran's breakout time—the time needed to produce enough weapons-grade uranium for one nuclear weapon—from the current estimate of two to three months, to one year. It will also require Iran and all states to comply with legally binding restrictions on nuclear-, conventional arms-, and ballistic missile-related activities.

Ninety days from today, when our respective capitals and legislatures have had a chance to carefully review the deal's provisions, the commitments in the JCPOA should take effect. Sanctions relief will begin only when Iran verifiably completes the initial steps necessary to bring its nuclear program in line with the deal.

It is important today to step back from the JCPOA to its larger lessons—lessons about enforcing global norms, the essential role of diplomacy, the need for ongoing vigilance, and the absolute necessity of the unity of this Council—lessons that have implications both for ensuring implementation of the deal and for tackling other crises that confront us today.

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The first lesson we can learn from how this deal was secured is that it is not enough to agree to global norms, such as that against the proliferation of nuclear weapons. This Council and all the countries of the United Nations must actually take steps to *enforce* global norms. In 2006, in response to Iran's efforts to develop a nuclear weapons program, the United Nations Security Council put in place one of the toughest sanctions regimes in its history, which was complemented by robust sanctions imposed by the United States, several other countries, and the European Union. Faced with Iran's ongoing noncompliance, the UN tightened its sanctions in 2007, 2008, and 2010. This sanctions regime played a critical role in helping lay the groundwork for the talks that would give rise to the JCPOA.

The second lesson is one most eloquently articulated more than fifty years ago by President John F. Kennedy and echoed last week by President Obama: "Let us never negotiate out of fear, but let us never fear to negotiate." Given the devastating human toll of war, we have a responsibility to test diplomacy. In 2010, when then-U.S. Ambassador to the United Nations Susan Rice spoke in this Chamber after the Council strengthened sanctions on Iran, she cited the ways in which Iran had violated its commitments to the IAEA and its obligations under prior Security Council resolutions. Yet she also said, "The United States reaffirms our commitment to engage in robust, principled, and creative diplomacy. We will remain ready to continue diplomacy with Iran and its leaders." And when a credible opening emerged for negotiations, that is exactly what the United States and the other members of the P5+1—the United Kingdom, France, Germany, Russia, and China—and the EU did.

There were many occasions over these last two years of grueling negotiations when any party could have walked away. The distances just seemed too great; the history between us searing; and the resulting mistrust defining. But the United States and our partners knew that we had a responsibility to try to overcome these obstacles and resolve the crisis peacefully. One only has to spend a week in the Security Council, *any* week, and hear accounts of the bloodshed and heartbreak in Yemen, Syria, South Sudan, Darfur, Mali, Libya or any other conflict-ridden part of the world—to be reminded of the consequences of war. Sometimes, as both the UN Charter

and history make clear, the use of force is required, but we all have a responsibility to work aggressively in diplomatic channels to try to secure our objectives peacefully.

This nuclear deal doesn't change our profound concern about human rights violations committed by the Iranian government, or about the instability Iran fuels beyond its nuclear program—from its support for terrorist proxies, to its repeated threats against Israel, to its other destabilizing activities in the region. That is why the United States will continue to invest in the security of our allies in the region and why we will maintain our own sanctions related to Iran's support for terrorism, its ballistic missiles program and its human rights violations.

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But denying Iran a nuclear weapon is important not *in spite* of these other destabilizing actions, but rather *because* of them. As President Obama pointed out, “that is precisely why we are taking this step—because an Iran armed with a nuclear weapon would be far more destabilizing and far more dangerous to our friends and to the world.” So while this deal does not address many of our profound concerns, if implemented, it would make the world safer and more secure.

Yet while reaching this deal matters, our work is far from finished. In the months and even years ahead, the international community must apply the same rigor to ensuring compliance to the JCPOA as we did to drafting and negotiating it. This is my third point: implementation is everything.

And that is precisely why so many verification measures have been built into this deal. The JCPOA will grant the IAEA access when it needs it, where it needs it, including 24/7 containment and surveillance of Iran's declared nuclear facilities. Inspectors will have access to the entire supply chain that supports Iran's peaceful nuclear program—from mining and milling, to conversion, to enrichment, to fuel manufacturing, to nuclear reactors, to spent fuel. If the terms of the deal are not followed, all sanctions that have been suspended can be snapped back into place. And if the United States or any other JCPOA participant believes that Iran is violating its commitments, we can trigger a process in the Security Council that will reinstate the UN sanctions.

The fourth and final lesson we can learn from the process that led us here today is that when our nations truly unite to confront global crises, our impact grows exponentially. The founders of the United Nations understood this concept intrinsically and enshrined it in the Charter, which calls on each of us “to unite our strength to maintain international peace and security.” In the twenty-first century, it is now an axiom that our nations can do more to advance peace, justice and human dignity by working together than any single country can achieve on its own. And indeed that only when we act as *united* nations can we address the world's most intractable problems.

Although we don't see this unity enough here at the UN, the countries of the United Nations did largely unite behind the cause of preventing nuclear proliferation in Iran. And it was the persistent, multilateral pressure that came out of this unity—combined with a critical openness to seeking a diplomatic solution—that gave the P5+1 and EU negotiators the leverage they needed to get the deal that would advance our collective security.

Let me conclude. Ultimately, the only proper measure of this deal—and all of the tireless efforts that went into it—will be its implementation. This deal gives Iran an opportunity to prove to the world that it intends to pursue a nuclear program solely for peaceful purposes. If Iran

seizes that opportunity; if it abides by the commitments that it agreed to in this deal, as it did throughout the period of the JCPOA negotiations; if it builds upon the mutual respect and diligence that its negotiators demonstrated in Lausanne and Vienna; and if it demonstrates a willingness to respect the international standards upon which our collective security rests; then it will find the international community and the United States willing to provide a path out of isolation and toward greater engagement.

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Resolution 2231 terminates all the measures under previous UN Security Council resolutions regarding Iran's nuclear program as of Implementation Day and replaces them with certain binding restrictions on Iran in the nuclear, arms, and missile areas. The resolution incorporates certain provisions of a letter to the Council from the P5+1 outlining the scope and duration of the new restrictions on Iran's nuclear, arms, and missile activities. Resolution 2231 further provides that the Security Council will work in concert with the Joint Commission established by the JCPOA to review proposed transfers to Iran of (primarily) Nuclear Security Group ("NSG")-controlled items and related services.

On July 28, 2015, Secretary Kerry testified before Congress, making the case for its acceptance of the JCPOA. His opening remarks before the House Committee on Foreign Relations are excerpted below and available at <http://www.state.gov/secretary/remarks/2015/07/245369.htm>.

* * * *

We are convinced that the plan that we have developed with five other nations accomplishes the task that President Obama set out, which is to close off the four pathways to a bomb. ...

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... And after 18 months of very intensive talks, the facts are pretty clear that the plan announced this month by six nations, in fact, accomplishes that. I might remind everybody, all of those other nations have nuclear power or nuclear weapons, and all of them are extremely knowledgeable in this challenge of proliferation.

So under the terms of this agreement, Iran has agreed to remove 98 percent of its stockpile of enriched uranium, dismantle two-thirds of its installed centrifuges, and destroy—by filling it with concrete—the existing core of its heavy water plutonium reactor.

Iran has agreed to refrain from producing or acquiring highly enriched uranium and weapons-grade plutonium for nuclear weapons forever. Now, how do we enforce or verify so that that is more than words, and particularly to speak to the ranking member's question what happens after 15 years, what happens is forever we have an extremely rigorous inspection verification regime, because Iran has agreed to accept and will ratify prior to the conclusion of the agreement and with—if they don't it's a material breach of the agreement—to ratify the

Additional Protocol, which requires extensive access as well as significant additional transparency measures, including cradle-to-grave accountability for the country's uranium, from mining to milling through the centrifuge production to the waste for 25 years. Bottom line: If Iran fails to comply with the terms of our agreement, our intel community, our Energy Department which is responsible for nuclear weaponry, are absolutely clear that we will quickly know it and we will be able to respond accordingly with every option available to us today.

And when it comes to verification and monitoring, there is absolutely no sunset in this agreement—not in 10 years, not in 15 years, not in 20 years, not in 25 years. No sunset ever.

Now remember, ...when we began our negotiations, we faced an Iran that was already enriching uranium up to 20 percent. They already had a facility built in secret underground in a mountain that was rapidly stockpiling enriched uranium. When we began negotiations, they had enough enriched uranium for 10 to 12 bombs already. Already they had installed as many as 19,000 nuclear centrifuges, and they had nearly finished building a heavy water reactor that could produce weapons-grade plutonium at a rate of one to two bombs per year.

Experts put Iran's breakout time when we began—which, remember, is not the old breakout time that we used to refer to in the context of arms control, which is the time to go have a weapon and be able to deploy it. Breakout time as we have applied it is extraordinarily conservative. It is the time it takes to have enough fissile material for one bomb, but for one potential bomb. It's not the amount of time to the bomb. So when we say they'll have one year to a certain amount of fissile material, they still have to go design the bomb, test, do a whole bunch of other things. And I think you would agree no nation is going to consider itself nuclear capable with one bomb.

...[W]hen we started negotiations, the existing breakout time was about two months. We're going to take it to one year and then it tails down slowly, and I'll explain how that provides us with guarantees. But if this deal is rejected, we immediately go back to the reality I just described without any viable alternative, except that the unified diplomatic support that produced this agreement will disappear overnight.

Let me underscore, the alternative to the deal that we have reached is not some kind of unicorn fantasy that contemplates Iran's complete capitulation. I've heard people talk about dismantling their program. That didn't happen under President Bush when they had a policy of no enrichment, and they had 163 centrifuges. They went up to the 19,000. Our intelligence community confirms ...

So in the real world we have two options: Either we move ahead with this agreement to ensure that Iran's nuclear program is limited, rigorously scrutinized, and wholly peaceful; or we have no agreement at all, no inspections, no restraints, no sanctions, no knowledge of what they're doing, and they start to enrich.

Now to be clear, if Congress rejects what was agreed to in Vienna, you will not only be rejecting every one of the restrictions that we put in place – and by the way, nobody's counting the two years that Iran has already complied with the interim agreement, and by the way complied completely and totally, so that we've already rolled their program back. We've reduced their 20 percent enriched uranium to zero. That's already been accomplished. But if this is rejected, we go back to their ability to move down that road. You'll not only be giving Iran a free pass to double the pace of its uranium enrichment, to build a heavy water reactor, to install new and more efficient centrifuges, but they will do it all without the unprecedented inspection and transparency measures that we have secured. Everything that we have tried to prevent will now happen.

Now what's worse? If we walk away, we walk away alone. Our partners are not going to be with us. Instead, they'll walk away from the tough multilateral sanctions that brought Iran to the negotiating table in the first place, and we will have squandered the best chance that we have to solve this problem through peaceful means.

Now make no mistake, from the very first day in office, President Obama has made it clear that he will never accept a nuclear-armed Iran, and he is the only president who has asked for and commissioned the design of a weapon that has the ability to take out the facilities and who has actually deployed that weapon. But the fact is Iran has already mastered the fuel cycle, they've mastered the ability to produce significant stockpiles of fissile material, and you have to have that to make a nuclear weapon. You can't bomb away that knowledge any more than you can sanction it away.

Now I was chair of the Senate Foreign Relations Committee when we ... joined together and put many ... of the Iran sanctions in place, and I know well, as you do, that the whole point was to bring Iran to the negotiating table. Even the toughest sanctions previously did not stop Iran's program from growing from a hundred and ... sixty-three, to 300, to 5,000, to more than 19,000 now. And it didn't stop Iran from accumulating a stockpile of enriched uranium.

Now, sanctions are not an end to themselves. They're a diplomatic tool that has enabled us to actually do what sanctions could not without the negotiation, and that is to rein in a nuclear program that was headed in a very dangerous direction and to put limits on it, to shine a spotlight on it, to watch it like no other nuclear program has ever been watched before. We have secured the ability to do things that exist in no other agreement.

Now, to those who are thinking about opposing this deal because of what might happen in year 15 or year 20, I ask you to simply focus on this: If you walk away, year 15 or 20 starts tomorrow and without any of the long-term access and verification safeguards that we have put in place. What is the alternative? What are you going to do when Iran does start to enrich, which they will feel they have a right to if we walk away from the deal? What are you going to do when the sanctions aren't in place and can't be reconstituted because we walked away from a deal that our five fellow nations accepted?

I've heard critics suggest that the Vienna agreement would somehow legitimize Iran's nuclear program. That is nonsense. Under the agreement, Iran's leaders are permanently barred from pursuing a nuclear weapon and there are permanent restraints and access provisions and inspection provisions to guarantee that. And I underscore: If they try to evade that obligation, we will know it because a civil nuclear program requires full access 24/7, requires full documentation, and we will have the ability to track that as no other program before.

The IAEA will be continuously monitoring their centrifuge production, as centrifuge—so centrifuges cannot be diverted to a covert facility. For the next 25 years, the IAEA will be continuously monitoring uranium from the point that it's produced all the way through production so that it cannot be diverted to another facility. For the life of this agreement, however long Iran stays in the NPT and is living up to its obligations, they must live up to the Additional Protocol, and that Additional Protocol, as we can get into today, greatly expands the IAEA's capacity to have accountability.

So this agreement ... gives us a far stronger detection capability, more time to respond to any attempt to break out toward a bomb, and much more international support in stopping it than we would have without the deal. If we walk away from this deal and then we decide to use military force, we're not going to have the United Nations or the other five nations that

negotiated with us because they will feel we walked away. And make no mistake: President Obama is committed to staying with a policy of stopping this bomb.

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Secretary Kerry spoke on several other occasions while the JCPOA was under review by Congress, advocating for Congressional support. See, *e.g.* September 2, 2015 remarks in Philadelphia, available at <http://www.state.gov/secretary/remarks/2015/09/246574.htm>. The 60-day period for Congressional review concluded without enactment of any legislation on the JCPOA, thus paving the way for implementation. See September 10, 2015 Presidential Statement, Daily Comp. Pres. Docs. 2015 DCPD No. 00607 p. 1 (Sep. 10, 2015). See also September 10, 2015 press statement by Secretary Kerry, available at <http://www.state.gov/secretary/remarks/2015/09/246804.htm> and September 17, 2015 State Department background briefing on JCPOA implementation, available at <http://www.state.gov/r/pa/prs/ps/2015/09/247017.htm>.

October 18, 2015 was “Adoption Day” for the JCPOA, 90 days after the Security Council adopted Resolution 2231 and the date on which the JCPOA came into effect. See State Department background briefing on the JCPOA Adoption Day, available at <http://www.state.gov/r/pa/prs/ps/2015/10/248310.htm>. See also President Obama’s statement on Adoption Day. Daily Comp. Pres. Docs. 2015 DCPD Doc. No. 00734 p. 1 (Oct. 18, 2015). The IAEA confirmed on October 15, 2015 that Iran completed its “Roadmap” steps required by the JCPOA to address issues of past concern, and Iran also notified the IAEA of its intent to provisionally apply the Additional Protocol. See October 18, 2015 press statement by Secretary Kerry, available at <http://www.state.gov/secretary/remarks/2015/10/248311.htm>. The October 18, 2015 press statement summarizes the significance of Adoption Day:

...Iran will now begin taking all of the necessary steps outlined in the JCPOA to restrain its nuclear program and ensure that it is exclusively peaceful going forward. This will include significant changes to its Arak reactor, substantial reductions to its uranium enrichment capacity as well as its enriched uranium stockpiles, and increased access to and continuous monitoring of Iran's declared nuclear facilities by the IAEA.

At the direction of the President, the Department of State and our colleagues throughout the U.S. government will continue taking steps to ensure we are prepared to meet our JCPOA commitments. In order to prepare to implement our sanctions-related commitments, we are today taking contingent action with respect to the waivers of certain statutory nuclear-related sanctions. These waivers will not take effect until Implementation Day, after Iran has completed all necessary nuclear steps, as verified by the IAEA.

As mentioned in Secretary Kerry's statement, President Obama issued a memorandum on Adoption Day, October 18, 2015, instructing federal agencies to prepare for implementation of the JCPOA. 80 Fed. Reg. 66,783 (Oct. 30, 2015). The presidential memo includes the following:

Consistent with section 11 of Annex V of the JCPOA, the Secretary of State, acting under previously delegated authority, is taking action with respect to waivers of relevant statutory sanctions, to take effect upon confirmation by the Secretary of State that Iran has implemented the nuclear-related measures specified in sections 15.1-15.11 of Annex V of the JCPOA, as verified by the International Atomic Energy Agency (IAEA).

I hereby direct you to take all appropriate additional measures to ensure the prompt and effective implementation of the U.S. commitments set forth in the JCPOA, in accordance with U.S. law. In particular, subject to the requirements of applicable U.S. law, I hereby direct you to take all necessary steps to give effect to the U.S. commitments with respect to sanctions described in section 17 of Annex V of the JCPOA, including preparation for the termination of Executive Orders as specified in section 17.4 and the licensing of activities as set forth in section 17.5, to take effect upon confirmation by the Secretary of State that Iran has implemented the nuclear-related measures specified in sections 15.1-15.11 of Annex V of the JCPOA, as verified by the IAEA.

A Joint Commission established under the JCPOA convened in October after Adoption Day and a second time on December 7, 2015 to consult on progress toward reaching "Implementation Day" under the JCPOA. U.S. Ambassador Tom Shannon led the U.S. delegation to the Joint Commission. See State Department media note, December 7, 2015, available at <http://www.state.gov/r/pa/prs/ps/2015/12/250419.htm>

In November, the participants to the JCPOA signed a document outlining the roles of each in the modernization project for reconstruction and redesign of Iran's Arak nuclear reactor such that it cannot be used to produce plutonium for a nuclear weapon. See November 23, 2015 State Department press statement, available at <http://www.state.gov/r/pa/prs/ps/2015/11/249896.htm>. As summarized in the press statement:

In this document, the United States has committed to provide technical support and review of the modernized reactor design, as well as analysis of fuel design and safety standards—consistent with national laws—to ensure it addresses our proliferation concerns and conforms with the design set forth in the JCPOA. In addition, the United States will co-chair with China a Working Group on the Arak project.

On December 15, 2015 the IAEA Board of Governors adopted by consensus a resolution on Iran's nuclear program, addressing the final assessment by the IAEA of the possible military dimensions of Iran's nuclear program in the past. The resolution marked an important step in the transition within the IAEA framework from past concerns regarding the Iranian nuclear program toward a focus on JCPOA implementation. The Director General of the IAEA had issued a report on December 2, 2015 concluding, as had the United States, that Iran had engaged in nuclear weapons-related activities until 2003 and had continued to engage in certain activities relevant to nuclear weaponization for several years beyond 2003. See December 15, 2015 press statement by Secretary Kerry, available at <http://www.state.gov/secretary/remarks/2015/12/250662.htm>.

On December 28, 2015, Secretary Kerry provided an update on progress made toward Implementation Day during the five months since the JCPOA was reached. See December 28, 2015 press statement, available at <http://www.state.gov/secretary/remarks/2015/12/250876.htm>. Excerpts follow from the December 28 press statement.

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Implementation Day will come when the International Atomic Energy Agency (IAEA) verifies that Iran has completed all of these nuclear commitments, which increase Iran's breakout time to obtain enough nuclear material for a weapon to one year, up from less than 90 days before the JCPOA.

One of the most significant steps Iran has taken toward fulfilling its commitments occurred today, when a ship departed Iran for Russia carrying over 25,000 pounds of low-enriched uranium materials. The shipment included the removal of all of Iran's nuclear material enriched to 20 percent that was not already in the form of fabricated fuel plates for the Tehran Research Reactor. This removal of all this enriched material out of Iran is a significant step toward Iran meeting its commitment to have no more than 300 kg of low-enriched uranium by Implementation Day. The shipment today more than triples our previous 2-3 month breakout timeline for Iran to acquire enough weapons grade uranium for one weapon, and is an important piece of the technical equation that ensures an eventual breakout time of at least one year by Implementation Day.

A number of commercial transactions made this shipment possible, with many countries playing important roles in this effort. Russia, as a participant in the JCPOA and a country with significant experience in transporting and securing nuclear material, played an essential role by taking this material out of Iran and providing natural uranium in exchange. Kazakhstan contributed significantly to this effort as well, providing some of the natural uranium material that Iran has received in exchange for its enriched material, and helping to facilitate the shipment. Kazakhstan's contribution builds on its hosting of early rounds of the P5+1 talks that led to the successful conclusion of the JCPOA. ... Azerbaijan also played a key role in facilitating the shipment.

... Norway contributed critical funding to the commercial transactions involved in reducing the amount of enriched uranium in Iran, and also provided expertise in managing some of these transactions...

The IAEA now must verify that Iran's enriched uranium stockpile is 300 kg or less, as well as confirm that Iran has met all of its other key nuclear steps in the JCPOA before Implementation Day can occur. These steps include removing much of Iran's uranium enrichment infrastructure, which we understand Iran is moving quickly to achieve. Iran also must remove and render inoperable the existing core of the Arak Reactor, effectively cutting off Iran's plutonium pathway to a nuclear weapon. We will continue to consult closely with both the IAEA and other P5+1 members as we move toward verification by the IAEA that Iran has met all of its key nuclear commitments.

The IAEA is also continuing its own preparations to implement the extensive monitoring and verification regime of Iran's entire nuclear program, as specified in the JCPOA. ...

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c. *Russia*

On May 26, 2015, President Obama issued Executive Order 13695, terminating the emergency with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation. Daily Comp. Pres. Docs. 2015 DCPD No. 00396, p. 1 (May 26, 2015). The emergency had been declared in Executive Order 13617 of June 25, 2012. As explained in E.O. 13695, "successful implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons," has changed the circumstances that gave rise to the declaration of an emergency in E.O. 13617. The President notified Congress of the termination of this emergency. Daily Comp. Pres. Docs. 2015 DCPD No. 00397, pp. 1-2 (May 26, 2015).

On November 12, 2015, Assistant Secretary Rose delivered remarks at a World Affairs Council Panel on Security Challenges Facing the West. His remarks, excerpted below, focus on actions by the Russian Federation, and are available at <http://www.state.gov/t/avc/rls/2015/249465.htm>.

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Over the past two decades, the United States built a partnership with Russia through dialogue and practical cooperation in areas of common interest, especially with regard to arms control and strategic stability. The good news is that cooperation on strategic arms control with the Russian Federation endures despite a downturn in relations due to Russia's actions in Crimea and Eastern Ukraine. The same cannot be said for many of the arms control instruments that shaped the Post-Cold War landscape and remain fundamental to mutual security in the Euro-Atlantic.

When the United States and Russia signed New START in 2010, bilateral relations were improving and expectations were that a fruitful partnership on further steps was in the making. Russia's illegal actions in Crimea and inconsistent implementation of its arms control obligations have triggered just the opposite. In light of this downturn in relations, the predictability and stability that the New START Treaty provides have proven all the more important. Without this tool, we would not have access to, or limits on, Russia's strategic nuclear forces.

Since the treaty's entry into force in 2011, the United States and Russia have each conducted its annual allocation of 18 on-site inspections and exchanged over 9,600 notifications related to deployment status, location, and movement of strategic nuclear forces. The verification regime of the New START Treaty provides confidence to both sides they will be able to determine whether the other will have met the Treaty's central limits when they take effect in 2018. We know we can do more, which is why President Obama proposed an up to a one-third reduction below the New START level of deployed strategic nuclear forces, an offer that Russia has yet to embrace.

While implementation of New START marches forward, the picture is less rosy with respect to the Intermediate-Range Nuclear Forces Treaty (INF). The United States takes its treaty obligations seriously and expects the same from others. My Bureau publishes the Annual Arms Control Compliance Report. We first announced in the 2014 edition, and reiterated in this year's edition, our determination of Russia's violation of the INF Treaty. Russia's violation is not a technicality or an issue of mistaken identity. This is a serious violation of one of the core tenets of the INF Treaty—not to produce or flight test intermediate-range ground launched cruise missile.

... Russia must abide by its legal obligations to us and others. ... Russia needs to return to compliance. If it does not, we will take whatever steps are needed to ensure our security and that of our allies.

We are pursuing various ways to motivate Russia to return to compliance with the INF Treaty, including possible economic and military responses should Russia persist in its violation and continue to reject our efforts to resolve the issue diplomatically. We will ensure that Russia does not gain any advantage over the United States or its Allies through its pursuit of such systems.

We will also forcefully and factually refute Russia's groundless and diversionary claims that it is the United States that is seeking to undermine the INF Treaty. Far from it, we are fully and faithfully complying with the INF. At every turn, we have offered to engage Russia on their concerns if they engage us on our, and in response we have received nothing but denials ...

At the signing of INF Treaty with General Secretary Gorbachev in 1987, President Reagan expressed hope that an arms control agreement backed by a strict verification regime would serve as a template for other treaties on conventional and nuclear weapons. Indeed, INF served as the forerunner to a future regimes that were staples of U.S. and regional security for decades before falling victim to a new way of operating in Russia—one that selectively implements its arms control agreements.

For example, Russia's illegal actions in Ukraine have violated international commitments and undermined multiple arms control and confidence-building obligations. The presence of Russian military forces in Crimea without Ukraine's consent is a violation of the CFE Treaty. Moreover, since Russia ceased implementation of the CFE Treaty in 2007, it has not been in compliance with its data submissions, notification, and inspection obligations under the Treaty.

Senior U.S. officials, along with our Allies, continue to highlight the need for Russia to fully implement its arms control obligations and commitments, including those in the CFE Treaty.

More recently, Russian aggressive actions in Ukraine and around its border with Ukraine run counter to the Vienna Document, in which the participating States stress the continued validity of commitments on refraining from the threat or use of force. In 1994, Russia welcomed Ukraine's decision to accede to the Nuclear Non-Proliferation Treaty and pledged through the Budapest Memorandum to respect the independence and existing borders of Ukraine. Russia's violation of Ukraine's sovereignty and territorial integrity are contrary to those commitments.

Instead of recommitting itself to these arms control instruments, Russia is leveling baseless claims against U.S. compliance to divert attention away from its own treaty violations. These claims are classic attempts at misdirection. For the record, we have engaged the Russians repeatedly and in depth on these issues, dating back to the 1990s and we continue to be willing to discuss our compliance with treaties and agreements. We see no such willingness from the Russians.

Russia has also repeatedly demanded legally-binding limitations on U.S. and NATO missile defense. U.S. policy, our capabilities, and our finite resources, all preclude the development of a ballistic missile defense architecture that is capable of threatening Russia's nuclear deterrent.

The 2010 Ballistic Missile Defense Review (or BMDR) makes clear that the United States' missile defenses are focused on defending against limited missile threats to the U.S. homeland and regional missile threats to our deployed forces, allies, and partners throughout the world. It also clearly states that our missile defenses are not directed against Russia.

That has not stopped Russian leaders from attacking the European Phased Adaptive Approach (EPAA), nor from stating falsely that President Obama had promised to scrap European missile defense "if the Iranian threat was eliminated." The United States and NATO have repeatedly said that the system is designed for ballistic missile threats from outside the Euro-Atlantic area and can neither negate nor undermine Russia's strategic deterrent capabilities. Prior to Russia's aggressive actions in Ukraine that led to a suspension of our dialogue on missile defense, the United States and NATO offered Russia various proposals to cooperate on missile defense. Russia elected to not take us up on our proposals.

The United States remains committed to advancing toward a world without nuclear weapons and furthering international security. To make progress, we need a willing partner and a conducive environment. We will continue to press Russia to reverse its current approach and recommit to measures that promote mutual security. For our part, the United States will neither waver in our commitment to the security of our allies nor our commitment to our arms control obligations.

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d. Republic of Korea

On November 25, 2015, the United States and the Republic of Korea exchanged diplomatic notes bringing into force a new Agreement for Cooperation Concerning Peaceful Uses of Nuclear Energy ("123 agreement"). The new agreement replaced a prior agreement that had been signed in 1973 and entered into force in 1974. See

Digest 2013 at 677-680 and *Digest 2014* at 833 regarding negotiations in anticipation of expiration of the prior agreement.

On June 16, 2015, President Obama submitted the agreement, along with a Nuclear Proliferation Assessment Statement and other supporting material, to Congress. H. Doc. 114-43 (114th Cong., 1st Sess.). That same day, the State Department issued a fact sheet, available at <http://www.state.gov/t/isn/rls/fs/2015/243872.htm>, [summarizing the agreement](#). The June 16 fact sheet is excerpted below.

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- The agreement would enhance the strategic relationship between the United States and the R.O.K. across the spectrum of political, economic, energy, science, and technology issues.
- The agreement would establish a new standing, High-Level Bilateral Commission for our two governments to work together to advance mutual objectives such as addressing spent fuel management, an assured stable fuel supply, nuclear security, and enhancing cooperation between the U.S. and R.O.K. nuclear industries.
- The new Commission would allow for deepened cooperation and more regular interaction between our two governments on the state of nuclear energy in both countries and allow us to account for new developments in technology, spent fuel management, security, and safety.
- The agreement would reinforce the importance of our ongoing Joint Fuel Cycle Study to review and identify appropriate options for addressing spent fuel management challenges, and facilitate cooperation on research and development (R&D) in this context, including R&D at specified facilities on the use of electrochemical reduction.
- The new agreement also would provide the R.O.K. with consent to produce radioisotopes for medical and research purposes, as well as to conduct examination of irradiated fuel rods using U.S.-obligated material.

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- The agreement would be fully reciprocal, requiring the United States to undertake most of the same obligations as the R.O.K. The only exceptions relate to different obligations that each country has under the Nuclear Non-Proliferation Treaty.

The New 123 Agreement Would Strengthen Nonproliferation Cooperation Between the United States and the Republic of Korea

- Like all our 123 agreements, this agreement contains essential provisions related to nonproliferation and nuclear security, and would thereby enhance the global nuclear nonproliferation regime.
- The terms of the U.S.-R.O.K. 123 agreement strongly reaffirm the two governments' shared commitment to nonproliferation as the cornerstone of their nuclear cooperation relationship.
- The R.O.K. has a strong track record on nonproliferation and the R.O.K. has consistently reiterated its commitment to nonproliferation. It has been an extremely active partner with the United States across a wide breadth of bilateral and multilateral activities designed to ensure the implementation of the highest standards of safety, security, and nonproliferation worldwide.

- The agreement would update the nonproliferation conditions from the prior agreement and fully meet the nonproliferation requirements of Section 123 of the Atomic Energy Act, as amended by the 1978 Nuclear Non-Proliferation Act (NNPA).
- The agreement would provide for the cooperation between the United States and the R.O.K. to be subject to the relevant IAEA safeguards requirements, assurance that all activities under the agreement will be for peaceful purposes only, and express reciprocal consent rights over any retransfers or subsequent reprocessing or enrichment of material subject to the agreement.

The R.O.K. Is a Strong Nonproliferation Partner

- The R.O.K. is one of the United States' strongest partners on nonproliferation and has consistently reiterated its commitment to nonproliferation.
- It is a member of the four multilateral nonproliferation regimes (Missile Technology Control Regime, Wassenaar Arrangement, Australia Group, and Nuclear Suppliers Group, for which it served as Chair in 2003-2004 and will do so again in 2016-17) and recently completed its term as chair of the Hague Code of Conduct Against Ballistic Missile Proliferation.
- The R.O.K. became a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons on April 23, 1975, and has in force a comprehensive safeguards agreement and additional protocol with the International Atomic Energy Agency (IAEA).
- The R.O.K. has also demonstrated its commitment to nuclear security and addressing the threat of nuclear terrorism, including through hosting the 2012 Nuclear Security Summit and being an active contributor to the Summit process, and through its support for the Global Initiative to Combat Nuclear Terrorism and the Nuclear Smuggling Outreach Initiative.
- The R.O.K. has been an active participant in the Proliferation Security Initiative (PSI) since 2009, having hosted regional and global meetings and two operational exercises. It has also conducted outreach to states that have not yet endorsed PSI.
- The R.O.K. has been a consistent advocate of nonproliferation in the IAEA Board of Governors, including support for strengthening safeguards and calling to account Iran and Syria for violations of their safeguards obligations.
- The R.O.K. has also been a strong and close partner in addressing the security and proliferation threat posed by North Korea's nuclear and missile programs, including at the IAEA and the UN Security Council. The United States and the R.O.K. continue to cooperate closely in our shared objective to achieve North Korea's complete, irreversible and verifiable denuclearization and to bring North Korea into compliance with its commitments under the 2005 Joint Statement of the Six-Party Talks and its obligations under the relevant UN Security Council resolutions.

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On October 1, 2015, Assistant Secretary Countryman testified before the Senate Foreign Relations Committee on the agreement. His testimony is excerpted below and available at http://www.foreign.senate.gov/imo/media/doc/100115_Countryman_Testimony.pdf

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As with all our 123 agreements, this Agreement is first and foremost an asset that advances U.S. nonproliferation policy objectives. The President's transmittal of the Agreement, and the Nuclear Proliferation Assessment Statement that accompanied it, include a detailed description of the contents of the Agreement so I will not repeat that here, but the Agreement contains all the U.S. nonproliferation guaranties required by the Atomic Energy Act and common to 123 agreements, including conditions related to International Atomic Energy Agency (IAEA) safeguards, peaceful uses assurances, physical protection assurances, and U.S. consent rights on storage, retransfer, enrichment, and reprocessing of U.S.-obligated nuclear material. It also has an initial duration of twenty (20) years with one automatic five year extension.

A unique feature of the Agreement is the establishment of a new standing, High-Level Bilateral Commission for our two governments to work together to advance mutual nuclear cooperation objectives. The Commission will be led on our side by the Deputy Secretary of Energy and on the ROK side by a Vice Minister of Foreign Affairs. As described in the text of the Agreement, the Commission will consist of four working groups, one on spent fuel management, one on assuring a stable fuel supply globally, a third on nuclear security, and finally a working group to address the promotion of exports and export control cooperation. This new Commission will allow for more regular interaction between our two governments on the state of nuclear energy in both countries. We expect these interactions to both deepen our bilateral nuclear cooperation relationship politically and to make further progress in tackling some of our shared challenges facing the future of the civil nuclear energy industry.

As you know, the United States and the ROK agreed to commence a ten year Joint Fuel Cycle Study in 2011 to explore strategies to address shared challenges. The Study is exploring the technical and economic feasibility and the nonproliferation acceptability of pyroprocessing and of other spent fuel management options. U.S. and ROK technical experts are working together to advance technical cooperation on the storage, transportation and disposal of spent nuclear fuel, and we expect the results of the Joint Study to inform the work of the High Level Bilateral Commission going forward. In addition to the cooperation to occur under the High Level Bilateral Commission and in the Joint Fuel Cycle Study, the Agreement also identifies other areas for future research and development collaboration, including nuclear safety, safeguards, radioactive waste management, and the development, construction, and operation of reactors.

As highlighted earlier, the Agreement clearly establishes U.S. consent rights on any future possible enrichment or reprocessing of U.S. obligated nuclear material. That said, it also contains a set of pathways toward possible U.S. Government decisions in the future on whether to grant advance consent to the ROK to enrich or reprocess U.S. obligated nuclear material. Through the High Level Bilateral Commission, U.S. and ROK officials will evaluate the technical feasibility, economic viability, safeguardability, and nonproliferation acceptability of potential reprocessing techniques and enrichment options. Any advance consent would require satisfactory outcomes from those studies and subsequent written agreement between the parties. The Secretary of Energy would have the final authority to decide whether or not granting advance consent would significantly increase the risk of proliferation.

ROK as a Nonproliferation Partner

The ROK is one of the United States' strongest partners on and has consistently displayed its commitment to nuclear nonproliferation. It is a member of the four multilateral nonproliferation regimes—the Missile Technology Control Regime, Wassenaar Arrangement, Australia Group, and Nuclear Suppliers Group. The ROK served as the Chair of the Nuclear

Suppliers Group in 2003-2004, and is scheduled to do so again in 2016- 2017. The ROK also recently completed its term as Chair of the Hague Code of Conduct Against Ballistic Missile Proliferation. The ROK became a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons on April 23, 1975, and has in force a comprehensive safeguards agreement and Additional Protocol with the International Atomic Energy Agency (IAEA). The ROK has also demonstrated its commitment to nuclear security and addressing the threat of nuclear terrorism, including through hosting the 2012 Nuclear Security Summit and providing useful contributions to the development of a high-density low enriched uranium fuel. It has also been an active and positive contributor to the Summit process since its inception, as well as through its support for the Global Initiative to Combat Nuclear Terrorism and Global Partnership Against the Spread of Weapons and Materials of Mass Destruction. The ROK has ratified key nuclear conventions, including the International Convention for the Suppression of Acts of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material. The ROK has been an active participant in the Proliferation Security Initiative (PSI) since 2009, having hosted regional and global meetings and two operational exercises. It has also conducted outreach to states that have not yet endorsed PSI. The ROK has been a consistent advocate of nonproliferation in the IAEA Board of Governors, including support for strengthening safeguards in a variety of contexts. The ROK Foreign Minister has offered to chair the IAEA's 2016 Nuclear Security Conference. The ROK has also been a strong and close partner in addressing the threat posed by the Democratic People's Republic of Korea's (DPRK) nuclear and missile programs, including at the IAEA where it has joined the United States in addressing the DPRK's growing nuclear threat and holding the DPRK to its denuclearization commitments and obligations, and advocating for a continued strong role for the IAEA in the complete, verifiable, and irreversible denuclearization of the Korean Peninsula.

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In sum, we believe the nonproliferation and economic benefits of this agreement demonstrate that continuing nuclear cooperation with the ROK is in the best interests of the United States. The Agreement is one of the most sophisticated and dynamic peaceful nuclear cooperation agreements we've ever negotiated, which speaks to the state-of-the-art nature of the ROK's peaceful nuclear program and the many characteristics that our two nuclear programs share in common. Once it enters into force, this Agreement will be a significant achievement for both our governments and provide a strong foundation for our shared peaceful nuclear cooperation and nonproliferation objectives for decades to come.

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e. *China*

On October 29, 2015, a new Agreement for Cooperation between the Government of the United States of America and the Government of the People's Republic of China Concerning Peaceful Uses of Nuclear Energy ("123 agreement") entered into force. The agreement replaces a 1985 Agreement Concerning Peaceful Uses of Nuclear Energy.

On April 21, 2015, President Obama transmitted the 123 Agreement with China to Congress, along with a Nuclear Proliferation Assessment Statement and other

supporting documents. Daily Comp. Pres. Docs. 2015 DCPD No. 00293, pp. 1-2 (Apr. 21, 2015); see also H. Doc. 114-28 (114th Cong., 1st Sess.). His message to Congress transmitting the agreement is excerpted below.

* * * *

I am pleased to transmit to the Congress, pursuant to subsections 123 b. and 123 d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the “Act”), the text of a proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the People’s Republic of China Concerning Peaceful Uses of Nuclear Energy (the “Agreement”). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. (In accordance with section 123 of the Act, as amended by Title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), two classified annexes to the NPAS, prepared by the Secretary of State, in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately.) The joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of China’s export control system with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A(w) of the National Security Act of 1947 (50 U.S.C. 3024(w)), is being submitted separately by the Director of National Intelligence.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with China based on a mutual commitment to nuclear nonproliferation. It would permit the transfer of material, equipment (including reactors), components, information, and technology for nuclear research and nuclear power production. It does not permit transfers of any Restricted Data. Transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities may only occur if the Agreement is amended to cover such transfers. In the event of termination, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

The proposed Agreement would obligate the United States and China to work together to enhance their efforts to familiarize commercial entities in their respective countries about the requirements of the Agreement as well as national export controls and policies applicable to exports and imports subject to the Agreement. It would have a term of 30 years from the date of its entry into force. Either party may terminate the proposed Agreement on at least 1 year’s written notice to the other party.

Since the 1980s, China has become a party to several nonproliferation treaties and conventions and worked to bring its domestic export control authorities in line with international standards. China joined the Treaty on the Non-Proliferation of Nuclear Weapons in 1992 as a nuclear weapon state, brought into force an Additional Protocol to its International Atomic

Energy Agency safeguards agreement in 2002, and joined the Nuclear Suppliers Group in 2004. China is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of China's civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in two classified annexes to the NPAS submitted to you separately. As noted above, the Director of National Intelligence will provide an addendum to the NPAS containing a comprehensive analysis of the export control system of China with respect to nuclear-related matters.

I have considered the views and recommendations of the interested departments and agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the proposed Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123 b. and 123 d. of the Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee as provided in section 123 b. Upon completion of the 30 days of continuous session review provided for in section 123 b., the 60 days of continuous session review provided for in section 123 d. shall commence.

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On May 12, 2015, Assistant Secretary Countryman testified before the Senate Foreign Relations Committee on the U.S.-China 123 agreement. His testimony is excerpted below and available at http://www.foreign.senate.gov/imo/media/doc/051215_Countryman_Testimony.pdf

* * * *

As you know, the U.S. relationship with China is one of the most important and complex relationships we have in the world. Over the last six years, the Obama Administration has established a “new normal” of U.S. engagement with the Asia-Pacific that includes relations with China defined by building high quality cooperation on a range of bilateral, regional, and global issues while constructively managing our differences and areas of competition. Through the implementation of this policy, the United States and China continue to improve diplomatic coordination to address the regional and global challenges of nuclear nonproliferation, energy security, and climate change, while growing both our economies. Peaceful nuclear cooperation with China is an example of collaboration that touches on all these challenges, and I’d like to explain why the Administration believes it is in the best interests of the United States to continue this important area of cooperation.

Description of Agreement

Like all 123 agreements, this agreement is first and foremost an asset that advances U.S. nonproliferation policy objectives. It took approximately two and a half years to negotiate

the agreement, and after numerous interventions by senior U.S. government officials throughout this period, our negotiators were able to win inclusion of significant new nonproliferation conditions that strengthen the agreement. The President's transmittal of the agreement, and the Nonproliferation Assessment Statement that accompanied it, include a detailed description of the contents of the agreement so I will not repeat that here, but the agreement contains all the U.S. nonproliferation guaranties required by the Atomic Energy Act and common to 123 agreements, including conditions related to International Atomic Energy Agency (IAEA) safeguards, peaceful uses assurances, physical protection assurances, and U.S. consent rights on storage, retransfer, enrichment, and reprocessing of U.S.-obligated nuclear material.

The agreement clearly states that equipment, information, and technology transferred under the agreement shall not be used for any military purpose, and the new text includes a right for the United States to suspend cooperation in the event of Chinese non-compliance, as well as our long-standing right to cease cooperation altogether. It also has a fixed duration of thirty (30) years. It is worth noting that the agreement does not commit the United States to any specific exports or other cooperative activities, but rather establishes a framework of nonproliferation conditions and controls to govern any subsequent commercial transactions.

Differences Between the 1985 and 2015 Agreements

The 2015 agreement enhances several U.S. nonproliferation controls beyond those contained in the current U.S.-China 123 agreement, which was signed in 1985. Unlike the 1985 agreement, the 2015 agreement requires China to make all U.S.-supplied nuclear material and all nuclear material used in or produced through U.S.-supplied equipment, components, and technology subject to the terms of China's safeguards agreement with the IAEA. The 2015 agreement also contains additional, elevated controls on unclassified civilian nuclear technology to be transferred to China. Further, the agreement requires the two Parties to enhance their efforts to familiarize commercial entities with the requirements of the agreement, relevant national export controls, and other policies applicable to imports and exports subject to the agreement—a requirement that will be implemented through joint training by U.S. and Chinese officials of commercial entities in both countries.

The background underlying the agreement has also changed. China's nonproliferation record has improved markedly since the first U.S.-China 123 agreement was signed in 1985, though it can still do better. Over the past thirty years, China has undertaken a variety of efforts to enhance its global standing on nonproliferation issues while significantly expanding its civil nuclear sector. Since the 1980s, China has become a party to several nonproliferation treaties and conventions and worked to bring its domestic export control authorities in line with international standards. China joined the Nuclear Nonproliferation Treaty in 1992, brought into force an additional protocol with the International Atomic Energy Agency in 2002, and joined the Nuclear Suppliers Group in 2004.

Justification for Agreement

In addition to the improved nonproliferation conditions that I have already described, the agreement will have benefits for the U.S.-China bilateral relationship, for nuclear safety in the United States and worldwide, for our economy, and for the climate. I'd like to touch on each of these for a moment.

Bringing a new 123 agreement with China into force will improve not only our bilateral nonproliferation relationship but also our overall bilateral relationship, and reflects the U.S. government effort to better rebalance our foreign policy priorities in Asia. We strongly believe that implementing this agreement will better position the United States to influence the Chinese

Government to act in a manner that advances our global nuclear nonproliferation objectives. Conversely, failing to do so would set us back immeasurably in terms of access and influence on issues of nonproliferation and nuclear cooperation. The current China 123 agreement has allowed for, and the agreement will continue to facilitate, deepened cooperation with China on nonproliferation, threat reduction, export control, and border security. We believe that continuing cooperation with China will allow us to push China further to adhere to international norms in this area and meet U.S. standards of nonproliferation, nuclear safety and security.

Nuclear Safety

With respect to nuclear safety, as U.S. and Chinese experts work together in the development of Westinghouse's AP1000 reactors in China, their collaboration enhances the strength of the safety culture in the Chinese civil nuclear program. Even the choice of AP1000 technology, with passive safety systems, over other, older, less safe technologies, enhances nuclear safety in China. It is fundamentally in the U.S. interest to promote the spread of U.S. best practices in nuclear safety as a nuclear accident anywhere is a global problem. The United States will have a far greater influence on Chinese nuclear safety practices if cooperation is continued than if it is cut off. When we export U.S. civil nuclear technology, we also export an American nonproliferation, safety, and security culture that encourages a safe and responsible Chinese civil nuclear program.

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Climate Change

The agreement can also help both of our countries to deploy non-fossil based energy sources to address the effects of global climate change. In November 2014, President Obama and Chinese President Xi took a historic step for climate change action and for the U.S.-China relationship by jointly announcing the two countries' respective post-2020 climate targets. The announcement was the culmination of a major effort between the two countries, inspired by our serious shared concern about the global effects of climate change and our commitment to leadership as the world's largest economies, energy consumers, and carbon emitters. One of China's announced targets is to increase the share of non-fossil energy to around 20% by 2030 – an approximate doubling from current levels. China sees the large scale development of civil nuclear power as key to meeting this and other climate targets, and these commitments strongly reinforce opportunities for U.S. nuclear suppliers in the Chinese market.

Negative Consequences of Lapse

I'd also like to take a moment to highlight some of the negative consequences should the United States cease nuclear cooperation with China. A failure, or delay, to put in place a new agreement to replace the current expiring agreement would undermine U.S. nonproliferation policy and our nuclear industry and would have a significant effect on the broader U.S.-China bilateral relationship.

As I described earlier, the current 123 agreement has been a vehicle for significant U.S. influence on China's nonproliferation policy. If cooperation ceases, U.S. influence on Chinese nonproliferation practices will be placed in serious jeopardy. A lapse in the agreement would most likely lead to a suspension of our nonproliferation dialogues, to include recently established mechanisms seeking to enhance China's export control enforcement capabilities, thereby damaging our cooperation in countering shared proliferation challenges. In addition, if the United States does not maintain its nuclear cooperation with China, that vacuum will be filled by

other nuclear suppliers who do not share the same nonproliferation and safety-focused practices in the execution of their civil nuclear cooperation.

Ending U.S.-China cooperation would also be devastating for our nuclear industry. All significant nuclear commerce between the United States and China would stop, and a large number of high-paying American jobs would likely be lost. More broadly, unilateral termination of this relationship would discredit the United States as a reliable supplier, undermining the ability of the U.S. civil nuclear industry to compete globally and enabling competitors such as Russia and France to gain a greater foothold in China's nuclear energy market, as well as in other markets. The construction of four Westinghouse AP1000 reactors in China is driving innovation in the U.S. civil nuclear industry, helping us domestically to make the AP1000 reactors currently under construction in the United States safer and more efficient. Without this continuous learning process, the United States will lose global market share. If there is no successor agreement, U.S. civil nuclear companies with joint ventures in China will also lose the technology and hardware they have already provided to China – there is no U.S. government right of return at the expiration of the agreement– and the United States will not benefit from future sales arising from these ventures.

Finally, it is worth emphasizing that China would view a lapse of this agreement as evidence that the United States is less willing to engage China at a high level on important commercial, energy, environmental, and security related issues. Stopping U.S.-China cooperation would also strengthen the position of those in China who advocate a more confrontational approach to the bilateral relationship and create new difficulties in our efforts to manage this complex relationship.

Conclusion

In sum, we believe that the strategic, nonproliferation, economic, and environmental benefits of this agreement demonstrate that the continuing nuclear cooperation with China is in the best interests of the United States. We are mindful of the challenges that this relationship and this agreement present, and yet we firmly believe the clear path forward is to remain engaged with China, constructively manage our differences, and work collaboratively to advance our numerous common objectives while bringing China toward international norms of behavior. This is not just a matter of U.S. engagement with China, it is frankly a test of U.S. leadership and our ability to continue to play a decisive and prominent role in crucial sectors such as the civilian nuclear power industry. The entry into force of this agreement will allow the United States to continue to develop and participate in the world's largest nuclear power market, which is the best way to ensure that fundamental U.S. national interests in this area are advanced in the long term.

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C. ARMS CONTROL AND DISARMAMENT

1. Conference on Disarmament

See Chapter 18 for discussion of conventional weapons issues arising at the Conference on Disarmament.

2. Comprehensive Nuclear Test Ban Treaty

Deputy Secretary of State Antony J. Blinken delivered remarks on September 29, 2015 at the UN Conference on Facilitating the Entry Into Force of the Comprehensive Nuclear Test Ban Treaty. His remarks are excerpted below and available at <http://www.state.gov/s/d/2015/247614.htm>. The Final Declaration of the Conference, on which the United States joined consensus, is available at https://www.ctbto.org/fileadmin/user_upload/Art_14_2015/FINAL_DECLARATION.pdf.

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Five-and-a-half years ago, in Prague, President Obama outlined a vision for achieving a peaceful, secure world without nuclear weapons through practical, responsible steps. In the years since, the United States has been working to limit and reduce the nuclear threat through efforts like the New START Treaty and the Nuclear Security Summit. As we look forward to the next year, the United States will expand its efforts to reintroduce the American public to the Comprehensive Nuclear Test Ban Treaty.

The United States was the first nation to sign the Comprehensive Nuclear Test Ban Treaty after it opened for signature in 1996. When the U.S. Senate considered giving its advice and consent to ratification in 1999, they expressed two concerns. The first was about our ability to maintain an effective nuclear deterrent absent nuclear explosive testing. The second was about our ability to verify compliance with the Treaty.

Over time, we have developed the tools we need to confidently and comprehensively address both of these points.

By pursuing a science-based Stockpile Stewardship Program, the United States is maintaining deterrent capabilities without nuclear explosive testing and without developing new nuclear warheads.

Our ability to monitor and verify compliance with the Treaty is also stronger than it has ever been. The International Monitoring System, the heart of the verification regime, was just a concept two decades ago. Today, it is a nearly complete, technically advanced, global network of sensors—including 35 stations in the United States—that can detect even relatively low-yield nuclear explosions.

It is important for all states to help complete this system, as well as take steps to mitigate emissions of radionuclides in the atmosphere from medical and industrial isotope production. On this point, I want to be clear: The United States does not seek to limit medical isotope production. Our priority is to safeguard the reliability of the IMS radionuclide network that we have built together over the last twenty years.

Our collective focus should be on voluntary measures that will minimize the release of radionuclides into the atmosphere. We support the efforts of the Provisional Technical Secretariat and the International Atomic Energy Agency to seek solutions to this problem and encourage them to work closely together.

The on-site inspection element of the Treaty's verification regime has also advanced significantly. A successful Integrated Field Exercise, hosted by Jordan in 2014, demonstrated the growing maturity of our capabilities in this regard. The United States thanks the CTBTO for the

impressive demonstration of the formidable technology and the expertise that the international community can bring to bear in the case of a suspected nuclear test.

Given the clear and convincing evidence, we know that an in-force Comprehensive Test Ban Treaty is good for the security of the United States and it is good for international security. It is a key step to diminishing the world's reliance on nuclear weapons and reducing the risk of a nuclear arms race.

The United States is committed to the Treaty, and we are working aggressively to build the case at home for ratification. Other Annex 2 states should also be actively pursuing ratification and sharing their plans for how they are doing so. There is no reason to wait on any other country. Our goal is universality.

We also need to translate statements of support for the Treaty into tangible resources—both financial and technical expertise. That means supporting the work of the Preparatory Commission to complete the Treaty's verification regime. It means enhancing the effectiveness of the Provisional Technical Secretariat. It means upgrading the International Data Center, which needs to be able to maintain the technological edge. And it means translating the momentum generated by last year's Integrated Field Exercise into an effective On-Site Inspection capability.

This is not an easy task, but it is a worthy one. The Comprehensive Nuclear Test Ban Treaty is not an abstract concept for a theoretical world. It is a firm and certain step towards peace, towards reason, and towards security for our own citizens and all the peoples of the world.

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3. International Partnership for Nuclear Disarmament Verification

As discussed in *Digest 2014* at 824-25, the United States announced its intent to establish an International Partnership for Nuclear Disarmament Verification ("IPNDV") in 2014. On March 19, 2015, Assistant Secretary of State Frank A. Rose delivered remarks at the kickoff of the IPNDV in Washington, DC. Mr. Rose's remarks are excerpted below and available at <http://www.state.gov/t/avc/rls/2015/239555.htm>.

* * * *

Understanding the hard lessons of the Cold War, the challenge we face now is not one of ambivalence towards disarmament, but rather how to realize this long-standing goal in a manner that enhances international peace and security.

Verification is the indispensable component in reaching that goal. Regardless of the political and diplomatic decisions that are made in the future, verification of nuclear weapons will become increasingly complex at lower numbers. At the same time, requirements for accurately determining compliance will increase dramatically.

As we will hear today, the United Kingdom and Norway have already pioneered this type of work. It is our hope that the IPNDV will build on the spirit of that experiment to create a non-traditional partnership that draws on the expertise of talented individuals around the world, in both the public and private sectors.

We are also pleased to be working with a partner like the Nuclear Threat Initiative. The intellectual energy and resources that they are bringing to the project will be so important to our success.

As I said, future steps in nuclear disarmament are expected to pose significantly more complex and intrusive verification challenges than past steps. Success in addressing future verification and monitoring challenges will be dependent, in part, on the development and application of new technologies or concepts. Make no mistake, we are facing some truly formidable technical challenges that must be overcome. Addressing these challenges, and finding solutions, is the bridge that spans the gap between the aspiration of nuclear disarmament and the fulfillment of nuclear disarmament.

Every nation on Earth has an interest in the success of these efforts. That is why the United States did not want this to be an area of engagement confined solely to the NWS. A larger, more diverse group of states with technical expertise in nuclear verification or the related sciences will contribute to the discussion and provide a broader intellectual basis for determining solutions. After all, the Nonproliferation Treaty makes no distinction between the NWS and NNWS when it comes to the obligation to pursue disarmament.

Everyone who shares the goal of a world without nuclear weapons should devote time and energy to address this challenge right now. Only through this upfront investment in the tools and technologies to verify nuclear weapons and associated items at lower numbers can we reap the reward we all seek. And it is on this that the International Partnership for Nuclear Disarmament Verification is premised.

The idea of a broad-based, international collaboration to identify and address these technical challenges has been proposed by multiple individuals and organizations. But today, in this room, for the first time, countries are set to embark on that very path.

And not just countries with nuclear weapons and nuclear weapons programs, but countries without them—countries that have, in fact, forsworn them.

There are many reasons why this type of “mixed” group of states is better equipped to address these challenges than one with only nuclear weapons states. Most importantly, a multilateral disarmament regime must achieve multilateral confidence in the effectiveness of its verification methods. It is not likely this kind of confidence is even possible absent truly joint, international research and development of the concepts and technologies that undergird its operation.

As we move forward today, we need to keep in mind that while not all research and development efforts *end* in success, few big innovations *start* without big ideas. The nuclear weapon states currently have the most knowledge and experience regarding the specific technical challenges facing us, they have begun the process of disarming and continue to do so.

The proof of U.S. progress on disarmament is in the numbers. At the height of Cold War tensions with the former Soviet Union, the United States stockpile consisted of 32,000 nuclear warheads. Decades of bilateral arms control treaties and agreements have slashed that number by 85%, retiring whole groups of weapons along the way.

Some might conclude that this is really just a job for the nuclear weapon states. But as the numbers of nuclear weapons go down, and the objects to be verified are smaller, the need for confidence will become increasingly difficult to address. We will need trained scientists and engineers from all over the world to help contribute to the solutions. We might suppose that innovation is the sole domain of those experts that have the most experience with the “questions”

being addressed. But if we do, we are on shaky ground as we know the opposite is usually what holds true.

Going forward, we look to, and can expect great contributions and ideas from our non-nuclear weapons states colleagues, as well as our nuclear weapons states colleagues. Over the next two days I look forward to your presentations, your comments and your ideas. The success of this group depends entirely on the vigorous engagement of its members, focusing on the technical issues at hand. I hope we will leave here on Friday ready to implement a partnership that can achieve some very good, useful things.

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The State Department issued a fact sheet on March 20, 2015 on the IPNDV, excerpted below and available at <http://www.state.gov/t/avc/rls/239557.htm>.

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The Partnership's first meeting was held March 19-20 in Washington, D.C., with a broadly representative group of states participating.

The IPNDV brings together both nuclear and non-nuclear weapon states under a cooperative framework to further understand and find solutions to the complex challenges involved in the verification of nuclear disarmament.

The United States believes such engagement will strengthen existing work towards the goals of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Nuclear Disarmament Verification and Technical Obstacles

Future steps in nuclear disarmament will pose significant verification challenges. Success in addressing these future challenges will require the development and application of new technologies or concepts. All countries have an interest in the success of these efforts. A larger, more diverse group of states with technical expertise in nuclear verification or the related sciences will contribute to the discussion and provide a broader intellectual basis for determining solutions.

The Partnership

The IPNDV will consider verification challenges across the nuclear weapons lifecycle—including material production and control, warhead production, deployment, storage, dismantlement, and disposition. It will build on lessons learned from efforts such as the United States-United Kingdom Technical Cooperation Program and the United Kingdom-Norway Initiative.

To take this Partnership forward, the U.S. government will work with the Nuclear Threat Initiative (NTI) through an official public-private partnership. Drawing from its recently concluded project, [*Innovating Verification*](#), NTI will bring its expertise and resources to bear to help guide the process of standing up the International Partnership and assist in the development and implementation of a program of work.

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The Department provided an update on the IPNDV in a September 21, 2015 fact sheet, available at <http://www.state.gov/t/avc/rls/247127.htm>. The fact sheet identifies the three working groups formed by the 26 member states:

1. **Working Group One:** “Monitoring and Verification Objectives,” will be chaired by Italy and the Netherlands.
2. **Working Group Two:** “On-Site Inspections,” will be chaired by Australia and Poland.
3. **Working Group Three:** “Technical Challenges and Solutions,” will be chaired by Sweden and the United States.

The Partnership convened again in November to finalize the terms of reference and officially launch the working groups. See State Department November 19, 2015 media note, available at <http://www.state.gov/r/pa/prs/ps/2015/11/249801.htm>. Assistant Secretary Rose’s opening remarks at the Second Plenary Meeting of the IPNDV in Oslo, Norway on November 16, 2015 are available at <http://www.state.gov/t/avc/rls/2015/249526.htm>. Assistant Secretary Rose delivered further remarks on the IPNDV at the Vienna Center for Disarmament and Nonproliferation on November 19, 2015. His remarks, available at <http://www.state.gov/t/avc/rls/2015/249906.htm>, include announcement that the Third Plenary of the IPNDV will be held in 2016 in Japan.

4. **New START Treaty**

The U.S. and Russian delegations to the Bilateral Consultative Commission (“BCC”), which was established under the New START Treaty, met in Geneva twice in 2015 to discuss practical issues related to implementation of the treaty. The Tenth Session of the BCC took place October 7-20, 2015. See October 20, 2015 press release, available at <https://geneva.usmission.gov/2015/10/20/press-release-tenth-session-of-the-bilateral-consultative-commission-under-the-new-start-treaty/>. At the Tenth Session, the parties signed an agreement on changing the timing on the annual discussion of the issue of the exchange of telemetric information on launches of ICBMs and SLBMs. Decisions and agreements reached by the BCC are available at <https://www.state.gov/t/avc/newstart/c39917.htm>.

5. **INF Treaty**

See Section A.6.c, *supra*, for discussion of arms control discussions between the United States and the Russian Federation, including U.S. concerns over Russian noncompliance with the Intermediate-Range Nuclear Forces Treaty (“INF Treaty”). On March 24, 2015, Jon Wolfsthal of the U.S. National Security Council staff participated in a Carnegie International Nuclear Policy Conference on “The INF Treaty and Beyond: Where Does

Arms Control Go from Here?” Mr. Wolfsthal’s remarks are excerpted below. A transcript of the conference is available at <http://carnegieendowment.org/files/13-armscontrol240315wintro-formatted.pdf>.

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[F]or those of us that have focused on arms control, and having literally come of age as the INF was coming of age, we’re gravely concerned about Russia’s violation of this important bedrock treaty.

The evidence is compelling, and it is conclusive because of the sources, we are in, I would say, a disadvantaged position, but it’s been made very clear to Russian government authorities the nature of our concerns, and we provided more than enough information to engage in a substantive discussion.

Unfortunately, instead of trying to deal with this in a quiet and sustained way, as we have preferred, we have been responded to with a series of baseless counter-charges. And from our point of view, this makes it extremely difficult for us to try and resolve the outstanding INF issues, and also to continue to make progress on what the President has laid out as a very ambitious set of ideas for continuing the arms reduction process with Russia; one that has served our country’s security interest for decades, and one that I believe, over the long term will still be something we will want to rely on, but will be increasingly difficult if we cannot engage seriously on the INF issue.

I do want to indulge the panel and the audience for a couple of minutes, because I think, until now we really haven’t made an effort to try and respond to some of the counter-charges that have been made by Russia. I just want to spend a minute or two, if I can, on that.

In response to our finding of non-compliance, Russia, which had not raised U.S. compliance issues for many years under the INF Treaty immediately threw up what we regard as a kind of smokescreen to shield allegations of their own non-compliance related to three issues. The booster rockets that we use for targets for our ballistic missile program, armed UAVs, and our Aegis Ashore missile defense launchers.

And in terms of the specific details, again, I don’t want to get into too much arcane arms control language... But from our point of view, I want to talk just for a second about our process and then about the specific charges.

One is, we have a very clear regulated and legislated process for ensuring that the United States is in compliance with all of our arms control treaties. They are the law of the land. And as people here understand, the United States is very serious about ensuring that we abide by our legal obligations. And this is a process that’s run out of the Department of Defense but with a full inter-agency to ensure that our military programs are compliant with international treaties. And to put it bluntly, if they’re not compliant, we don’t do them, period. That’s the law of the land.

In terms of the specific allegations, on ballistic missile targets, the INF Treaty ...Paragraph 12 of Section 7 of the INF explicitly permits the production and use of existing types of booster stages to create such ground launch booster systems for use as ballistic missile targets. The goal is that these systems not be used for research and development for missiles, but that they be used solely for testing the ballistic missile defense systems, and that is exactly what

the United States does. And so we view this as basically just a chaff that's being thrown up to counter our serious concerns.

The second issue of armed UAVs, put very simply, a UAV is a UAV. It is not a Cruise Missile. A Cruise Missile is a Cruise Missile. And we do not have ground launch Cruise Missiles that are within the ranges of the treaty limits. It's no secret that we have armed UAVs. It's something that has been known for some time. It's an important part of our security strategy. But the INF provides no restrictions on such capabilities. Russia has maintained that armed UAVs meet the definition of Cruise Missile for that treaty. We disagree. We're happy to have that kind of discussion with Russia if we're prepared to have a two-way discussion, but from our point of view, this is simply an unsupportable claim.

And then the third charge of our compliance relates to the Aegis Ashore missile defense program. Russia maintains that this represents a violation because it is capable of launching a Tomahawk Cruise Missile. ... The Aegis Ashore system is only capable of launching air and missile defense interceptor missiles, such as the SM3, which are not missiles subject to the INF Treaty. The system is not capable of launching any offensive type of missile, such as a Tomahawk Cruise Missile. The launching system for the Aegis Ashore Missile System has never been used for any purpose other than to launch missiles compliant with the INF Treaty. And Aegis Ashore has not and will not be designed, tested, or deployed to launch missiles other than those that have been developed and tested solely to intercept or counter objects not located on the surface of the earth, which again, are not INF missiles.

... I think it's important if we're going to have a serious and sustained dialogue. We want to have that, and we want to do that in a professional, serious way. But we are very concerned that that process cannot move forward if we engage in this increasingly public, and I think, difficult debate.

What we'd like to have is a serious discussion with Russian government officials to bring Russia back into compliance with this very important treaty. We think it's in our interest. We believe it is in Russia's security interest. Our allies believe it's in our continued mutual interest to have this treaty preserved, and we hope that Russia will see it the same way, and begin to engage us in a serious way. ...

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6. Open Skies Treaty and Treaty on Conventional Armed Forces in Europe

a. Open Skies Review Conference

On June 10, 2015, Under Secretary Gottemoeller delivered remarks at the Open Skies Treaty Third Review Conference in Vienna, Austria. Her remarks are excerpted below and available at <http://www.state.gov/t/us/2015/243689.htm>.

* * * *

It is vital for Treaty Parties to have the opportunity to reflect on the successes of the past five years and to discuss the challenges that lie ahead and the potential going forward. Just as we did during our school years, we need to review our progress and identify room for improvement. It

is clear that in regards to our “European security report card,” we did not make passing grades in some areas. This is the case for Open Skies, as well as other parts of the conventional arms control regime in Europe. We can and must do better.

As you all know, the security situation in Europe has changed dramatically since we last met in 2010, and not for the better. Russia’s occupation and attempted annexation of Crimea, and its ongoing destabilizing and aggressive activity in and around Ukraine have undermined peace, security, and stability across the region. While diplomacy continues, no one can ignore that Russia’s aggression in Ukraine has violated the very principles upon which cooperation is built. Russia’s selective implementation of the Vienna Document and Open Skies Treaty and long-standing non-implementation of the Conventional Armed Forces in Europe Treaty (or “CFE”) have eroded the positive contributions of these arms control instruments.

We must find a way to rectify the current situation. Even during the Cold War, NATO and Warsaw Pact nations agreed it was in their common interest to build trust, provide early warning of developing tensions, and be transparent about military plans and postures. This was exactly the type of transparency called for by President Dwight Eisenhower in 1955, and again by President George H. W. Bush in 1989 when the concept of the Open Skies Treaty was first advanced. The arms control and confidence building regimes we developed towards the end of the Cold War showed the world, as President Bush said at the time, “the true meaning of the concept of openness.”

Our success was possible because we shared a commitment to the Helsinki principles and to cooperative approaches to security which, unfortunately, is lacking in Europe today. We need to find a way forward—not walk away because Russia has veered off course. We call on Russia to join us in improving security in Europe and to return to full implementation of its OSCE commitments, including the Vienna Document, as well as its obligations under CFE and the Open Skies Treaty.

Russia-Ukraine

While Russian aggression in Ukraine has undermined security and confidence in Europe, the current crisis has also demonstrated the value of functioning arms control agreements. More than a dozen Open Skies flights over Ukraine and western Russia since last February, including the first use of the Treaty’s provision for “Extraordinary Observation Flights,” demonstrated the commitment of Treaty Parties to uphold this key element of the Euro-Atlantic security architecture. Unfortunately, since the tragic missile shoot-down of flight MH-17 last July from a missile system in separatist-held territory, we have been unable to conduct overflights of either Russia or Ukraine near their shared international border.

In addition to Open Skies flights, other European conventional arms control mechanisms have been used to promote stability and provide transparency. Russia’s suspension of the CFE Treaty in 2007 significantly reduced transparency about its military forces. But, CFE inspections in Ukraine and elsewhere in the neighborhood have been a source of vital information about the military forces in a time of tension.

The Vienna Document’s Confidence and Security-Building Measures have also been used extensively and in creative ways. I’m thinking in particular of the voluntary visits to dispel concerns and above-quota inspections that Ukraine has hosted throughout the crisis.

Regrettably, these steps have not been reciprocated. Russia has refused to provide substantive answers to requests for clarification under the Vienna Document’s Risk Reduction provisions and has chosen not to facilitate transparency on the buildup of Russian forces on Ukraine’s border.

Compliance

My government is very concerned about Russia's adherence to its treaty obligations. Russia's poor compliance record with CFE and INF is now well documented, as is its practice of selective implementation of the Vienna Document and, as we have discussed, the Open Skies Treaty. We have identified a number of compliance issues that impact the conduct of Open Skies flights, including the imposition of several restrictions that impede the full implementation of these treaties.

Many of these issues are described in the United States Compliance Report for calendar year 2014, which was released last Friday on June 5. Russia should take steps to remedy these problems immediately.

Looking to the Future

Now, let me look to the future. As I said, there are certainly some problems with our report card. It is now up to all of us to get European security—and conventional arms control—back on track. As we work together to rebuild the trust and confidence that has been lost in recent years, we must also look to the future.

During the 2010 Review Conference chaired by the U.S., a major theme was the need to transition to digital sensor capability. I appreciate that the Open Skies States Parties have made a good start in the transition to digital sensors which was initiated by the Russian Federation. That first digital sensor certification was more complicated than we imagined and I want to thank everyone who has worked so hard this past year to reach agreement on improved technical decisions for future certification events that will involve digital sensors.

This was a good start, but much work remains ahead to sustain this regime. In addition to completing the digital sensor transition, we must devote further efforts to modernize and improve the fleet of aircraft. We also need to make the financial investments now that will sustain the Open Skies infrastructure in the future.

We have work to do in other parts of our conventional arms control agenda, as well. The crisis in Ukraine has highlighted the critical need to update and modernize the Vienna Document CSBMs to reflect modern military realities. It has also focused our attention on the importance of having sufficient verification opportunities in time of crisis. This will not be easy work, but it is vital nonetheless. The United States is developing proposals to contribute to this effort and we encourage all OSCE participating States to engage meaningfully and productively in this effort.

The United States and all members of NATO have consistently said that conventional arms control in Europe, based on longstanding Helsinki principles, has a role to play in building a stable and secure Europe. You all know that this has proven true in the most difficult of circumstances, building mutual confidence in the Western Balkans through the Dayton Article IV agreement. We can still explore ways to improve security in the Euro-Atlantic region, even though the security situation is not currently amenable to comprehensive new negotiations.

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b. Open Skies Consultative Commission

Among the decisions adopted by the Open Skies Consultative Commission in 2015, there were several of significance, including one that updates the procedures for certifying digital sensors. Decision No. 4/15 on the "Certification Process for Digital Sensors," issued March 27, 2015, is available

at <http://www.state.gov/documents/organization/242489.pdf>. Decision No. 5/15 on the “Methodology for calculating the minimum height above ground level at which each video camera with real time display installed on an observation aircraft may be operated during an observation flight,” also dated March 26, 2015, is available at <http://www.state.gov/documents/organization/242490.pdf>. Decision No. 7/15 on “Additional non-destructive testing equipment,” issued April 20, 2015, is available at <http://www.state.gov/documents/organization/242492.pdf>. And Decision No. 8/15 on “The format in which data is to be recorded and exchanged on recording media other than photographic film,” dated April 20, 2015, is available at <http://www.state.gov/documents/organization/242493.pdf>.

c. Treaty on Conventional Armed Forces in Europe (“CFE”)

As alluded to *supra* sections B.6.c. and C.6.a., Russia suspended its implementation of the CFE Treaty in 2007. The United States identified Russia’s further violations of its CFE Treaty obligations in its 2015 report on the Treaty, submitted pursuant to Condition (5)(C) of the Senate Resolution of Advice and Consent to Ratification of the May 31, 1996, Document Agreed Among the States Parties to the CFE Treaty (“the CFE Flank Document”), available at <http://www.state.gov/t/avc/rls/rpt/2016/255560.htm>. The 2015 report notes:

On March 10, 2015, Russia announced it was suspending its participation in the Treaty’s JCG [Joint Consultative Group, the body created by the Treaty to resolve questions related to Treaty compliance] as of March 11, 2015. Until this announcement, Russia had continued to participate in the JCG even though it had “suspended” implementation of the Treaty in 2007.

D. CHEMICAL AND BIOLOGICAL WEAPONS

1. Chemical Weapons Convention

On September 22, 2015, the United States welcomed Angola as the 192nd State Party to the Chemical Weapons Convention. The State Department press statement on Angola joining the CWC is available at <http://www.state.gov/r/pa/prs/ps/2015/09/247179.htm>, and also expresses support for Angola’s efforts and conveys an offer of technical assistance with implementation.

2. Chemical Weapons Use in Syria

On March 19, 2015, the United States condemned the latest use of chemical weapons by the Assad regime in Syria. See March 19, 2015 press statement by Secretary Kerry, available at <http://www.state.gov/secretary/remarks/2015/03/239510.htm>. Secretary Kerry’s statement calls the latest example of Assad’s use of chemical weapons a violation of the Chemical Weapons Convention and a “direct violation of UN Security

Council Resolution 2209, which specifically condemned the use of chlorine as a chemical weapon in Syria and made clear such a violation would have consequences.” The statement goes on to say:

Any and all credible allegations of chemical weapons use, including the use of toxic industrial chemicals, must be investigated, and we continue to support the OPCW Fact Finding Mission in its continuing critical mission.

The Assad regime’s horrifying pattern of using chlorine as a chemical weapon against the Syrian people underscores the importance of investigating this allegation as quickly as possible, holding those who perpetrated such abhorrent acts in violation of international law accountable, and continuing to support the complete elimination chemical weapons in this volatile region.

On April 16, 2015, Ambassador Power delivered remarks at a UN Security Council stakeout following an “Arria-formula” meeting on Syria chemical weapons victims. Her remarks are excerpted below and available at <http://usun.state.gov/remarks/6429>.

* * * *

Thank you all for coming out. The first thing I want to do is to encourage you to, later this afternoon, have the experience that the Council just had, which is to listen to three remarkable individuals who testified to the experiences that they have had inside Syria, related to Syrian chemical weapons use—chlorine use most recently. And in the case of Qusai Zakarya, his experience of being left for dead in August 2013 in the chemical weapons attack in Moadamiya.

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In terms of the Council, we held this meeting—we brought the Council members together with these remarkable individuals because the Security Council has come together to pass Security Council resolution 2118, which has come a long way in dismantling Assad’s declared chemical weapons program. But that resolution, which was a resolution—unusual for Syria that all members of the council were able to agree upon, and very much the product of U.S.-Russian cooperation in dismantling the Syrian chemical weapons program—has not resulted in the end of chemical weapons use in Syria. And the council, as you know, came together again recently in resolution 2209 to make very clear that chlorine use is a form of Syrian chemical weapons use. It’s not what people think of necessarily. They think of it being a household product. But when you stick it in a barrel bomb and you turn it into a toxic weapon, it is prohibited by the chemical weapons convention, it is prohibited by resolution 2118 and it is made very clear that it is utterly condemned and prohibited by resolution 2209.

So what we’ve done today is brought individuals who can testify to what happened; brought the facts to the council in as rapid and moving a way as we could do, and it is now in our view, incumbent on the Council to go further than we have been able to come to this point, to get past the old divisions, to draw on the unity that we have managed to show on the single issue of chemical weapons, and stop these attacks from happening. Now the form that that takes, of

course, getting everything through 15 members of the Security Council is extremely challenging—there were 4 vetoes issued on Syria, on attempted Syrian resolutions in the past—but we feel as though anybody who witnessed what we just witnessed, and what you will hear from these individuals later today I hope, can't be anything but changed, can't be anything but motivated. And we need an attribution mechanism so we know precisely who carried out these attacks; all of the evidence of course shows that they come from helicopters, only the Assad regime has helicopters; that's very clear to us. But we need to move forward in a manner that also makes it very clear to all Council members, and then those people responsible for these attacks have to be held accountable.

The very last thing I'd say, because I know there's a lot of skepticism about accountability, because of the veto that we experienced when we put forward, with our partners, a referral of the crimes in Syria to the ICC: it is true that we failed to secure an ICC referral out of the Security Council, but it is not true that that means that accountability will not happen in Syria. Individuals who are responsible for attacks like that will be held accountable, and the documentary record is being built, the testimonies are being gathered and the long arm of justice is taking more time than any of us would wish right now, but this documentary record will be used at some point in a court of law and the perpetrators of these crimes need to bear that in mind.

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... So we need to think through what are the right modalities for an attribution mechanism. The OPCW already, as you know, has fact-finding missions that it has dispatched and they have produced very important layers and layers of testimonies and eyewitness reports and have shown, and reported with high confidence, that chlorine is being used as a chemical weapon in Syria, systematically. But what the OPCW has never done is point the finger and establish attribution. And that has not been in their mandate up until this point. Bear in mind, again, that the traditional model for OPCW is parties to the chemical weapons convention who want the OPCW's help getting rid of their chemical weapons stockpile or monitoring it—we haven't had a circumstance like this where we have a party to the chemical weapons convention that is still prepared to use chemical weapons. And so OPCW and the UN Security Council have to come together and deal with a devastating and grotesque historical anomaly.

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On August 7, 2015, Ambassador Power provided the U.S. explanation of vote on Security Council Resolution 2235 creating a UN OPCW Joint Investigative Mechanism for Syria chemical weapons. Ambassador Power's statement follows and is available at <http://usun.state.gov/remarks/6790>.

* * * *

Thank you, Madame President. Today, the UN Security Council has taken another step aimed at stopping the use of chemical weapons in Syria.

The step is necessary because—despite our previous efforts to stop the use of chemical weapons—the attacks have continued. Those efforts included the Council’s adoption in September 2013 of Resolution 2118, which required the Syrian regime to dismantle and destroy its chemical weapons program under international supervision. But while the resolution made significant progress toward that end, the attacks continued. Our efforts also included the adoption of Resolution 2209, which condemned the use of chlorine as a chemical weapon and made clear that such attacks were a violation of the Chemical Weapons Convention and Resolution 2118. Yet still, the attacks continued.

We know that these chemical attacks continued not only because of the testimonies of survivors and medical professionals And we know not only because of the gruesome footage of those suffering from the effects of such attacks—the seizures, the asphyxiation, the foaming at the mouth—footage that we have all seen.

We know for a fact because the OPCW has carried out thorough and impartial investigations into alleged attacks—and ultimately concluded that chemical weapons were used.

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Witness accounts, photographs, and videos of the attacks and their victims, and other forms of evidence led the OPCW to determine that there was “compelling confirmation” that a toxic chemical was used “systematically and repeatedly” as a weapon in the villages of Talmenes, Tamanah, and Kafr Zita, between April and August of 2014. The OPCW reported that 32 witnesses saw or heard the sound of helicopters over the three opposition-held towns right before the attacks occurred.

Until we adopted today’s resolution, there was no mechanism to take the obvious next step—determining who is involved in such attacks. Even when there were obvious signs pointing to the parties responsible, investigators were not empowered to point the finger. This has compounded an already-rampant sense of impunity in Syria.

Pointing the finger matters. Imagine for a moment if we asked an investigative team to determine whether certain atrocities occurred—such as rapes, tortures, or executions—but did not ask that team to determine who was involved in such brutal acts. As we all know, that determination ties the perpetrator to the action. And that link is essential to eventual accountability and helping prevent future abuses from occurring.

That is what the new UN OPCW Joint Investigative Mechanism will do in response to incidents in Syria that involved or likely involved the use of chemicals as weapons. The mechanism will gather evidence aimed at identifying the individuals and entities that have a hand in such attacks—and it will do all it can to name those individuals or entities.

Now, we all know that we currently lack an effective mechanism for holding criminally accountable those responsible. But when the day comes that we have one—and that day will come—the evidence gathered by the Joint Investigative Mechanism will stand as a record not just of what has been done, but of who has done it.

To those who think that impunity will last forever for the perpetrators and all others involved in chemical weapons attacks—those who order chemical attacks, those who fill munitions with chemicals, those who drop chemical weapons—look at all of the perpetrators today who find themselves being forced to answer for acts committed years or even decades ago.

Look at those who have been convicted for carrying out the genocide and war crimes in the Balkans, or those now being prosecuted in The Hague. Look at Hissene Habre, currently standing trial for atrocities he carried out in Chad three decades ago.

Let me conclude. Today's resolution has been adopted with the Council's unanimous support. This sends a clear and powerful message to all those involved in chemical weapons attacks in Syria: the Joint Investigative Mechanism will identify you if you gas people. It bears repeating, as well, that we need to bring the same unity that we have shown today to urgently find a political solution to the Syrian crisis.

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On November 6, 2015, Katharine C. Crittenberger, Adviser to the U.S. Mission to the UN in New York, delivered an explanation of vote at the UN General Assembly First Committee on behalf of the United States and 42 other delegations on draft resolution L.27/Rev.1, "Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction," sponsored by Poland. The resolution was subsequently adopted by the General Assembly on December 7, 2015 by a vote 174 in favor, none against, with 4 abstentions (China, Iran, the Russian Federation, and Syria). U.N. Doc. No. A/RES/70/41. Ms. Crittenberger's statement, emphasizing U.S. support for the OPCW-UN Joint Investigative Mechanism, is excerpted below and available at <http://usun.state.gov/remarks/6967>.

* * * *

Mr. Chairman, our respective countries intended to join consensus on this resolution as we believe it reflects the objectives and goals of the Chemical Weapons Convention, CWC, and the extraordinary work of the Organization for the Prohibition of Chemical Weapons, OPCW. Equally important, this resolution captures the current realities and state of play regarding Syria's obligations under the CWC and efforts by the international community to identify those involved in the use of chemical weapons in Syria through the establishment of an OPCW-UN Joint Investigative Mechanism, JIM.

Mr. Chairman, we believe there is no greater challenge to the CWC than a State Party using chemical weapons and the international community has been clear in its response to and condemnation of such use, including by supporting efforts to hold those who use chemical weapons accountable. The JIM is the culmination of a year-long diplomatic effort that sends a clear message to all those involved in chemical weapons attacks in Syria that the international community has tools to identify you. The JIM will soon be fully operational and begin its important work "to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organizers, sponsors or otherwise involved in the use of chemicals as weapons" in the Syrian Arab Republic.

Toward that end, we continue to express our strong support for the JIM along with the work of the OPCW Fact-Finding Mission, FFM, and the efforts of the Declaration Assessment

Team, DAT, to address the gaps and discrepancies in Syria's CWC declaration. It is our strong belief that any effort to deliberately ignore these serious issues risks undermining the work of the International Community to date, detracts from the extraordinary efforts undertaken by the OPCW, and calls into question the credibility of the CWC.

Mr. Chairman, our countries remain deeply concerned that two years after the adoption of Security Council Resolution 2118 and the September 27th OPCW Executive Council decision by consensus on the elimination of the Syrian chemical weapons program in 2013, we are still facing very serious issues of continued chemical weapons use and undeclared chemical weapons. The international community must squarely confront the reality before us and finish the work that was started. The preamble of the Chemical Weapons Convention makes clear that we must be "Determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons." The extraordinary situation in Syria is a test of that goal and now, for the sake of all people everywhere—but especially for the people of Syria – we must act to exclude completely the possibility of the continued use of chemical weapons.

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3. Biological Weapons Convention

On March 30, 2015, Ambassador Robert Wood, U.S. Special Representative for Biological and Toxin Weapons Convention ("BWC") Issues, delivered remarks on the 40th anniversary of the entry into force of the BWC. His remarks are excerpted below and available at <https://geneva.usmission.gov/2015/03/30/40th-anniversary-of-the-bwc-treaty/>.

* * * *

Mr. Chairman, Excellencies, Distinguished Colleagues, Ladies and Gentlemen, 40 years after its entry into force, the Biological Weapons Convention continues to be an essential element in the international community's efforts to prohibit and eliminate such weapons, the use of which the Convention's preamble so aptly states "would be repugnant to the conscience of mankind." While not yet universal, the BWC is the centerpiece of a global norm that possession and use of these weapons are unacceptable.

During these four decades, we have witnessed astounding innovations in the life sciences that represent remarkable progress. Such advances contribute to a brighter future for all people around the world and reflect both the tremendous possibilities and great success of international cooperation in this field. At the same time, with these advances technology has become more easily accessible, putting the biological weapons within reach of a much wider array of individuals and groups. President Obama has acknowledged that "we are more susceptible to bioterrorism than ever" but pledged that, "as we take action to counter these threats, we will work together to advance our own health security and provide for the improved condition of all humanity." The world has changed; the nature of the biological weapons threat has changed; and our approach to the Biological Weapons Convention needs to keep pace.

Allow me to address some of the main challenges to the BWC as we look toward its next 40 years. The primary objective of the United States in the BWC is to work with other States

Parties to strengthen the Convention as an instrument for combatting bioweapons proliferation and terrorism. We will continue to emphasize the importance of effective national implementation of the BWC and of transparency regarding implementation as a means of assuring other States Parties about compliance with the Convention. And we will continue to be active in providing practical assistance to other States Parties that contributes to implementation and transparency.

The scientific advances and spread of technology I mentioned earlier offer incredible benefits, but they also pose thorny questions for those who seek to ensure that biological weapons will never again be used. How do we ensure that the life sciences are used for solely peaceful purposes, while still promoting their broad access to those benefits and further advancement in these fields? We know some of the answers: effective export controls, strong biosafety and biosecurity, active outreach and awareness-raising. But these are challenging issues and require ongoing attention.

Recently, the United States and the international community have begun to grapple with a specific dual-use challenge: what we have come to call “dual use research of concern.” This is legitimate life science research that can be reasonably anticipated to provide knowledge, information, products, or technologies that could be directly misapplied to pose a significant threat with broad potential consequences to public health and safety, agricultural crops and other plants, animals, the environment, materiel, or national security. We must work to preserve the benefits of life science research, while taking steps to minimize the risk of misuse of the products of such research by monitoring and mitigating such risks throughout the research process.

In addition to banning biological weapons, BWC Article VII commits States Parties to provide assistance to any other State Party if the UN Security Council decides “that such Party has been exposed to danger as a result of violation of the Convention.” Since it can be difficult and time consuming to determine whether biological weapons have been used, much of what needs to be done to fulfill this provision for assistance is also necessary to prepare for and respond to outbreaks of disease that occur naturally. This, in turn, means that the work of the BWC is closely tied to global efforts to prepare for any type of public health emergency. As the international community considers the lessons of the Ebola outbreak in West Africa for how to prepare for future health crises, now is a good time to examine and discuss what this experience of a naturally occurring epidemic might teach us about fulfilling the assistance commitments under Article VII in case a bioweapon were to be used anywhere in the world.

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The fact that 173 States have joined the Convention is an extraordinary endorsement of the BWC’s principles, but we seek a Convention in which all are Parties. Universal membership in the Convention would reflect a truly global consensus that biological weapons are illegitimate and that all states have a responsibility to prevent anyone from obtaining them. Let us strive to reach that lofty objective well before the next 40 years of the BWC have passed.

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Ambassador Wood also delivered the U.S. statement at the Meeting of Experts to the BWC on August 10, 2015. Those remarks are excerpted below and available at <https://geneva.usmission.gov/2015/08/10/u-s-statement-at-the-meeting-of-experts->

[to-the-bwc/](#). Other U.S. submissions at the 2015 Meeting of Experts are available on the website of the Implementation Support Unit (“ISU”) for the BWC at [http://www.unog.ch/80256EE600585943/\(httpPages\)/46CAC219B57F8B49C1257DB20030BCE8?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/46CAC219B57F8B49C1257DB20030BCE8?OpenDocument). U.S. Working Papers for the 2015 Meeting available from the ISU include BWC/MSP/2015/MX/WP.5 (“Advances in Science and Technology: Production and Delivery”); BWC/MSP/2015/MX/WP.6 (“Tacit Knowledge: The concept and its implications for biological weapons proliferation”); and BWC/MSP/2015/MXP/WP.19. U.S. statements at the 2015 Meeting, which are available on the ISU website, address international cooperation and assistance; developments in science and technology; strengthening national implementation; and Article VII.

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First, the United States would like to welcome Andorra as the newest State Party to the Biological Weapons Convention, becoming the 173rd. In addition, I am pleased to note that the United States is sponsoring Guinea’s participation in our meeting this week as a non-Party observer, and looks forward to the time when that country and all others not now in the BWC join us in the important obligations of the Convention. Every state that adheres to the BWC brings us closer to our fundamental goal of universal adherence.

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Clearly, a critical area of this dialogue is international cooperation and assistance, and the United States remains committed to doing our part to facilitate the fullest possible exchange of relevant material, equipment, and information, including through the Global Health Security Agenda. We look forward to a continuation of our discussion on practical ways to strengthen such exchanges, including in such areas as public health, bio-risk management, and national implementation of the Convention.

Closely related is our consideration of how more effectively to implement Article VII. We seek the widest possible agreement on means of addressing the major obstacles and challenges to international response to a major disease outbreak, whether or not it is deliberate in origin. The world’s experience with Ebola reminds us that these challenges are significant, and as BWC Parties, we must consider how we would deal with the even more horrific scenario of an outbreak caused intentionally.

Mr. Chairman, Article XII of the Convention, which states that our review of the operation of the Convention should take into account relevant new scientific and technological developments, is particularly significant for the business of this experts meeting. The United States will continue to contribute to the BWC discussion of developments in the life sciences, including how to mitigate the risks of dual-use and gain-of-function research. Our emphasis is on identifying areas where there may be a need for Parties to take action and on promoting convergence of views on such matters.

The United States will also continue to stress the vital importance of national implementation of the Convention, which is important to ensure that the BWC actually fulfills its lofty objectives and—through transparency—that Parties have confidence that others are complying with our mutually held obligations. We believe that these goals can best be served

through increased availability of information about national implementation and a more common understanding of what effective implementation involves.

To implement Article III in particular, the Seventh RevCon called for appropriate measures, including effective national export controls. To respond to this call, we and [29] other Parties have submitted a working paper proposing a common understanding on key elements of an effective national export control system that fulfill the obligations of Article III. We urge all Parties to support this understanding.

Of course another critical aspect of implementation is effective bio-risk management. Parties may be aware of recently discovered, inadvertent shipments of live anthrax spores by the U.S. Department of Defense. These samples were shipped to industry, academia, international, and other Federal laboratories for research, development, testing, and evaluation of countermeasures to protect military and civilian populations from the threat of biological agents. The United States has undertaken numerous actions to rectify this situation, including notification to the recipients of samples from all 149 batches produced since 2003, IHR Article 7 notification to the World Health Organization, and a comprehensive review by an independent committee.

As directed by the Deputy Secretary of Defense, a full accountability investigation is underway, and a moratorium for inactivation and shipping of inactivated anthrax spores has been imposed until new measures can be put in place. To maximize transparency, a great deal more information is available on a website, updated daily to provide the latest information to the public. The address is http://www.defense.gov/home/features/2015/0615_lab-stats/. In addition, a representative from the Department of Defense will be available to address States Parties questions on Thursday. The time and the room number for this briefing will be announced in advance.

Finally, Mr. Chairman, as we are now less than 15 months from our next Review Conference, I would like to remind Parties of the need this year to begin our preparations for that Conference, the culmination of our efforts over five years. ...

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On December 14, 2015, Ambassador Wood addressed the opening plenary of the annual meeting of States Parties to the Biological Weapons Convention. His remarks are excerpted below and available at <https://geneva.usmission.gov/2015/12/14/ambassador-robert-wood-addresses-biological-weapons-convention-opening-plenary/>. U.S. Working Papers for the 2015 annual meeting available on the website of the ISU at [http://www.unog.ch/unog/website/disarmament.nsf/\(httpPages\)/52f94df16e2c376ec1257ede0033c774?OpenDocument&ExpandSection=1#_Section1](http://www.unog.ch/unog/website/disarmament.nsf/(httpPages)/52f94df16e2c376ec1257ede0033c774?OpenDocument&ExpandSection=1#_Section1), include BWC/MSP/2015/MXP/WP.3 ("Strengthening the ability to take action: A realistic agenda for the Eighth Review Conference") and BWC/MSP/2015/MXP/WP.5 ("International activities of the Global Partnership against the spread of weapons and materials of mass destruction related to Article X of the Biological and Toxin Weapons Convention," submitted by a group of 13 States Parties including the United States).

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Every December, we discuss the threat of biological weapons and ways to address it. Every December, we recall the task entrusted to us: to develop common understandings and promote effective action under the Biological Weapons Convention. And every December, we adopt a report that consists mostly of recycled material and broad generalities. Have we advanced understanding of the threats and how to address them? Have our reports led to effective action? Certainly not enough.

We can do better. We need to do better. We do not have to revert to old habits.

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International Cooperation and Assistance

International cooperation is an important element of the BWC. We know there are disagreements about how to advance the goals of Article X of the Convention; but we should not allow those disagreements to prevent us from agreeing where we can and identifying specific steps we can take.

We have agreed on the importance of States Parties submitting reports on their experiences in implementing Article X. But very few States Parties have submitted such reports. We should call on all States Parties to submit reports before the 8th Review Conference. Further, we could invite those States Parties who have undergone Global Health Security Agenda or International Health Regulations core capacity assessments to consider using those assessments to identify needs for international cooperation, either in their Article X reports or in submissions to the Assistance and Cooperation Database.

We should also improve the database. We should call on the ISU to organize information about assistance and capacity-building programs thematically, and include links to other sources of technical information, assistance, and advice, not only from States Parties but from institutions like Interpol and WHO. The Article X undertakings apply to States Parties, but adding links to such information would make the database and website more useful – and if it is more useful, it will be used more.

Developments in Science and Technology

Mr. Chairman, we have had constructive discussions about advances in science and technology. Here, too, there is room for specific, useful language. A list of developments with “potential for uses contrary to the convention” and another of developments with “potential benefits,” in our view, gloss over the fact that nearly all of these technologies have the potential to be used in both harmful and beneficial ways. We should recognize this, seek to articulate those risks and benefits, and indicate whether there are steps States Parties should take to mitigate the risks while preserving the benefits. I would hope that we could also further develop our understandings on dual-use and gain-of-function research.

Strengthening National Implementation

We were given a mandate to strengthen national implementation. It is essential that our report recognize that better information about what countries are doing to implement the Convention is a critical requirement and must be addressed. Without such information, how can we understand what needs to be strengthened, or how best to go about it?

We should also further develop our shared understanding of what measures will help to achieve the goal of effective national implementation. As long ago as the 6th Review

Conference, States Parties agreed on the importance of effective national export controls. Last year, we discussed specific elements widely recognized as key to such systems. This year, 37 States Parties proposed that we recognize the value of these elements in our report. This would be a valuable contribution – a common understanding that would, indeed, promote effective action. For this meeting, India and the United States have jointly submitted a working paper outlining further steps that could be taken in this area by the 8th RevCon. This working paper is an important cross-regional initiative that will be a significant contribution to our future work, and we welcome the support of other States Parties in this effort.

Strengthening Implementation of Article VII

The international public health and emergency response architecture is in the midst of significant change right now. It is critical that the steps we take to strengthen Article VII are integrated into the new architecture that emerges. But that does not mean that no action in the BWC is possible. We should more explicitly recognize the inter-relationship between Article X and Article VII: efforts to assist States Parties in building their public health and response capabilities are not “assistance” in the sense of Article VII – but in the event of biological weapons use, may be even more valuable than response efforts after the fact.

And we should recognize and deal with a practical challenge: how is Article VII actually activated? Here, the proposals made by South Africa in working paper BWC/MSP/2015/MXP/WP.10 provide an excellent basis for further work, and could be provisionally applied now, without need for further delay.

Looking Toward the Review Conference

We have another task this week: to take decisions on arrangements for next year’s Review Conference. My delegation strongly supports the proposal that we should prepare for our three-week RevCon with two separate, week-long preparatory meetings that will focus on substance as well as procedure. Such preparatory work is critical if we are to arrive at a strong, substantive outcome at the RevCon. It will ensure that our work is transparent, inclusive, and thoughtful. And, according to the estimates, it is affordable. The majority of States Parties will be asked to pay less than 100 dollars more than they were assessed for the 2011 Review Conference.

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Some have called for a new round of negotiations on a supplementary treaty to the BWC. But we’ve been down that road. There continue to be deep divisions among delegations on critical issues. This is the path to deadlock and delay—it is a road that goes nowhere. We see a better option: BWC States Parties already have the necessary authority to take practical steps that command wide support; we should marshal the political will to make use of that authority and take such steps. Instead of attempting to negotiate a new treaty, we should make better use of the powers we have under the treaty we’ve got.

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My delegation is pleased to present a working paper ... entitled “Strengthening the Ability to Take Action: A Realistic Agenda for the 8th Review Conference,” which sets out our ideas on reinforcing our working processes and structures, including the authority of annual meetings such as this one.

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As Ambassador Wood mentioned, there was discussion at the 2015 meeting of States Parties of the possibility of elaborating a new protocol to the BWC. The United States provided a statement at a side event on that possibility, excerpted below, which explains U.S. opposition.

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Overall, the approach strikes us as more complicated and protracted than it needs to be:

- First, negotiate a mandate – and we’ve already heard this evening that there are real differences of opinion on the scope of such a mandate, so this would not be easy;
- Then, negotiate a treaty: we know there are a range of views on many of the issues, and I am not nearly as confident as my Russian colleagues that it would be possible to simply borrow old Protocol text to quickly assemble a text; I expect that it would be quite a protracted process – and one with a genuine risk of deadlock and failure.
- Even if it was successful, we would then have to wait for a sufficient number of States Parties to ratify to bring the treaty into force. Add several more years – and much more if the goal is widespread participation.
- All in all, that’s quite a gamble – and one that would take many years even if it paid off.

So let’s step back a moment and ask ourselves: do we NEED a new legal instrument to do the things we want to do?

Do we have the authority to create new governance structures? Yes: The BWC only provided for one Review Conference. All the rest of the RevCons, the intersessional process, the Ad Hoc Group, various expert groups over the years, were all established without an underlying legal instrument. So it’s clear that we can assemble ourselves into any configuration we can agree on in order to address an issue.

Do we have the authority to hire staff? I hope so, since we’re paying the ISU and they are providing important services to BWC States Parties. It seems clear we don’t need a new instrument to do this.

Do we have the authority to decide on policies, implement programs, and take action? Here, too, the record seems pretty clear. Review Conferences have taken a number of important policy decisions to interpret or implement provisions of the Convention. We have established a system of Confidence-Building Measures, an assistance database, and a sponsorship program. These are small steps, perhaps, but they demonstrate that we already have the authority we need.

So let’s ACT at the Review Conference:

- Let’s create the structures that we need;
- Let’s establish whatever policies, and actions to support them, we can agree on;
- Let’s reinforce the ISU if we believe that is required;
- And let’s establish a process to continue to work on issues that require further discussion.

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E. ARMS TRADE TREATY

For background on the Arms Trade Treaty, see *Digest 2013* at 710-15 and *Digest 2012* at 674-79. In August 2015, the First Conference of States Parties to the Arms Trade Treaty convened in Cancun, Mexico. Assistant Secretary Countryman delivered the U.S. Statement on August 25, 2015, which is excerpted below and available at <http://www.state.gov/t/isn/rls/rm/2015/246314.htm>.

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We are here to take foundational decisions to operationalize this Treaty, to turn it from mere words on the page into a reality that makes a difference around the world. We are here to breathe life into this Treaty by standing up its international operation.

To be successful, we must keep in mind certain fundamental principles. First, we must remind ourselves of the shared commitment that we all have to the text that we all have signed. That text enjoys overwhelming international support, and we need to remain faithful to its provisions, which were the result of difficult choices made during a multi-year negotiation.

Second, The Treaty contains obligations for States Parties, not for other entities. The decisions made here must reflect this fact. Civil society and industry played important roles during the negotiation, but neither one can join the Treaty. Only States Parties can. However, the Treaty must operate in an open, transparent, and inclusive manner that allows civil society and industry, without discrimination, to continue to play an important role as observers assisting States Parties.

Third, we acknowledge and admire the hard work many States have done to prepare for this conference, but it is even more important for States to devote still greater energy to their national decisions that will implement their NATIONAL obligations under this INTERNATIONAL Treaty. The location of the Secretariat is NOT as important as decisions made by national governments to pass legislation and create procedures for import and export, to fight corruption in government, police and the military, and to build bilateral cooperation against arms traffickers. The ATT Secretariat can and should be a support mechanism for States making those hard choices. The Secretariat can NOT implement the Treaty; it cannot serve as a supranational decision mechanism; nor can it be a substitute for hard decisions in capitals. The United States, which has long implemented laws and practices that are fully consistent with ATT requirements, will continue to offer assistance to States determined to establish the laws, the processes, the control lists and the border controls that will allow them to implement fully this Treaty.

Finally, the Treaty is not a solution by itself to the problems of armed conflict that plague the world, but it is a tool that we can use, energetically and effectively, to address those problems. The United States will continue its commitment to the Arms Trade Treaty. Like so many of you, we worked hard for years to achieve a Treaty that is both workable and meaningful. Decisions taken in this room, but especially the decisions taken at home by the

governments represented in this room, will determine whether the ATT will live up to its potential.

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Cross References

Congressional correspondence regarding the JCPOA, **Chapter 4.A.4.**

Iran claims, **Chapter 8.B.**

Ukraine/Russia, **Chapter 9.B.1.**

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

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

Nonproliferation sanctions, **Chapter 16.A.5.**

Export controls, **Chapter 16.B.**

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