

Information Circular

INFCIRC/1044

Date: 23 September 2022

General Distribution

Original: English

Communication dated 23 September 2022 received from the Permanent Mission of China to the Agency

1. The Secretariat has received a Note Verbale dated 23 September 2022 from the Permanent Mission of the People's Republic of China to the Agency.
2. As requested, the Note Verbale, together with its attachment, is herewith circulated for the information of all Member States.



THE PEOPLE'S REPUBLIC OF CHINA
PERMANENT MISSION IN VIENNA

HOHE WARTE 3, 1190 VIENNA TEL: +43 1 4801222

23 September 2022

H.E. Mr Rafael Grossi
Director General of the IAEA

Excellency,

I'm writing to request you, pursuant to Rule 39 of the Rules of Procedure of the General Conference, to issue the newly-revised text, as GC(66)/L.1/Rev.1, of China's resolution on "Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT" as contained in document GC(66)/L.1, in light of views and proposals by Member States at the informal consultations on the first draft text of the above resolution.

The Chinese Permanent Mission shall be most grateful if this letter, together with its enclosed document, is circulated among the relevant members of the Agency.

Please accept, Excellency, the assurances of my highest consideration.

Ambassador, Permanent Representative
Chinese Permanent Mission

Item 25 of the provisional agenda

(GC(66)/1, Add.1, Add.2, Add.3, Add.4, Add.5, and Add.6)

**Transfer of the Nuclear Materials in the Context of AUKUS
and its Safeguards in All Aspects under the NPT**

The General Conference.

PP1 Recalling the Treaty on fundamental role and overriding status of the Non-Proliferation of Nuclear Weapons, and the subsequent Comprehensive Safeguards Agreements (INFCIRC/153), including the Modified Code 3.1, and recalling further all the relevant provisions of the Statute of the Agency,

PP2 Noting the report of the Director General on the nuclear submarine cooperation under AUKUS (GOV/INF/2022/20) and noting also the different views of Member States on the substance of the report,

PP3 Building on the inter-governmental discussions launched within the Board of Governors of the Agency, at its sessions in November 2021, March 2022 and June 2022, on the issue of “Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT”,

OP1 Reaffirms the fundamental role and overriding status of the NPT in the global non-proliferation regime, and the subsequent CSAs, including Modified Code 3.1, and reaffirms further the relevance of all relevant provisions of the Statute of the Agency;

OP2 Decides to continue the inter-governmental process, including, inter alia, by undertaking an open-ended consultation, to explore an agreed formula on proper safeguards arrangement, at all stages, for all nuclear activities, facilities and materials involved under AUKUS, and to submit recommendation and report to Board or/and General Conference for endorsement, and directs the Director-General of the Agency to make arrangements accordingly; and

OP3 Decides to remain seized of the matter.

General Conference

GC(66)/L.1/Rev.1

Date: 14 September 2022

23
Limited Distribution

Original: English

Sixty-sixth regular session

Item 25 of the provisional agenda

(GC(66)/1, Add.1, Add.2, Add.3, Add.4, Add.5 and Add.6)

Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT

Draft resolution submitted by China

The General Conference,

(fundamental role and overriding status of)

*and the subsequent
comprehensive safeguards*

*all the relevant
provisions of*

(a) Recalling the Treaty on the Non-Proliferation of Nuclear Weapons, as the cornerstone of the international nuclear non-proliferation regime, under which, the Structure and Content of Agreements between the Agency and States required in connection with the NPT (INFCIRC/153), including the Modified Code 3.1, and the Model Additional Protocol contained in INFCIRC/540, for those countries who voluntarily implement it, are concluded for the exclusive purpose of verification of the fulfillment of NPT States Parties' obligations (GOV/INF/232), and recalling further the Statute of the Agency,

which

(b) Noting the Joint Leaders Statement on AUKUS by the US, the UK and Australia on 15 September 2021 and their subsequent notification to the Agency of the trilateral nuclear-powered submarine cooperation,

(c) Building on the inter-governmental discussions launched within the Board of Governors of the Agency, at its sessions in November 2021, March 2022 and June 2022, on the issue of "Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT",

(d) Commending the widely-supported working paper submitted to the 2020 Review Conference of the Parties to the NPT (NPT/CONF.2020/WP.67), which, inter alia, underscores the non-proliferation concerns of AUKUS, and calls for developing a constructive approach on relevant verification and monitoring arrangements, and

(e) Affirming the continued validity and relevance of NPT, CSA, AP, as well as the Statute of the Agency, and the importance of full and strict compliance with such treaty obligations required by Member States Parties, and, the corresponding statutory obligations by the Director General of the Agency,

(b) Noting the report of the Director General on the nuclear submarine cooperation under AUKUS (GOV/INF/2022/20) and noting also the different views of Member States on the substance of the report,

(and overriding status)

1. Reaffirms the fundamental role of the NPT in the global non-proliferation regime, under which, *and the subsequent*
the CSA, including Modified Code 3.1, ~~and the AP, for those countries who voluntarily implement it, which~~
~~are concluded for the exclusive purpose of verification of the fulfillment of NPT States Parties~~
~~obligations under the NPT, and reaffirms further the relevance of all relevant provisions of~~

~~Calls for full and timely compliance by the relevant country under AUKUS, as a Non-Nuclear~~
~~Weapon State Party to the NPT, with its reporting obligations under the CSA, including the Modified~~
~~Code 3.1 and AP, and calls further for timely fulfillment of the statutory reporting obligations by the~~
~~Director General, especially under the Statute of the Agency;~~

*the Statute
of the Agency*

or/and
2. ~~Decides to continue the inter-governmental process, including, inter alia, by undertaking an open-~~
~~ended consultation, to explore, subject to the fulfillment of the reporting obligations by the relevant~~
~~country under AUKUS, as a Non-Nuclear Weapon State Party to the NPT, required under the Modified~~
~~Code 3.1 and AP and on the basis of the subsequent required reporting by the Director General of the~~
~~Agency, an agreed formula on proper safeguards arrangement, at all stages, for all nuclear activities,~~
~~facilities and materials involved under AUKUS, and to submit recommendation and report to Board of~~
~~Governors and General Conference for endorsement, and directs the Director General of the Agency to~~
~~make arrangements accordingly; and~~

3. *3* Decides to remain seized of the matter.