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中华人民共和国 常驻国际原子能机构代表团的信函

1. 2025年5月26日, 秘书处收到中华人民共和国常驻国际原子能机构代表团的普通照会及其附文。
2. 谨此按请求分发该普通照会及其附文, 以通告全体成员国。

中华人民共和国常驻维也纳联合国
和其他国际组织代表团

编号：CPMV/2025/91

国际原子能机构
秘书处

中华人民共和国常驻维也纳联合国和其他国际组织代表团向国际原子能机构秘书处致意，并谨此向秘书处提交中国常驻代表团于 2025 年 4 月 24 日在维也纳国际中心主办的“AUKUS：国际原子能机构保障的新挑战”研讨会的总结。

中国常驻代表团希望及时将本照会及随附总结作为《情况通报》文件正式分发全体成员国。

中华人民共和国常驻维也纳联合国和其他国际组织代表团借此机会再次向国际原子能机构秘书处致以最崇高的敬意。

[印章]

2025 年 5 月 23 日·维也纳

主席的总结¹**AUKUS：原子能机构保障的新挑战**

中国常驻代表团组织的研讨会

维也纳国际中心 C 楼 CR3 会议室：2025 年 4 月 24 日

备注：本总结系为向 2025 年 6 月理事会会议提供资料而准备，并为了促进原子能机构框架内有关 AUKUS 核潜艇计划的政府间讨论过程，目的是提升成员国对与执行“全面保障协定”（INFCIRC/153/Corr.号文件）第 14 条有关的保障问题的敏感性和复杂性的认识。

2025 年 4 月 24 日，中国常驻维也纳代表团在维也纳国际中心组织了题为“AUKUS：原子能机构保障的新挑战”的研讨会（议程和发言全文附后）。来自原子能机构 33 个成员国的代表（包括 17 个使团的大使）和来自军备控制及不扩散领域智库的专家等共计 80 多人参加了这次活动。

在中国常驻代表团过去两年主办的 AUKUS 研讨会讨论的基础上，今年的研讨会重点关注了拟议的 AUKUS 核潜艇合作的各个方面及其对原子能机构全面保障制度的影响。四位专家小组成员以个人身份发言，并提供了评定和意见：

- 原子能机构总干事办公室核查与安保政策协调处前处长 Tariq Rauf 先生；
- 莫斯科能源和安保研究中心主任 Anton Khlopkov 先生；
- 中国现代国际关系研究院高级研究员郭晓兵先生；
- 维也纳裁军和防扩散中心副高级研究员 Noah Mayhew 先生。

另有五位专家和学者应邀作为评论员以个人身份出席，为讨论提供了重要输入：

- 埃及外交部裁军与和平利用原子能事务局前局长 Bassem Hassan 阁下；
- 俄罗斯驻原子能机构保障执行常设咨询组代表、原子能机构技术支助司前司长 Nikolai Khlebnikov 先生；
- 伊斯兰堡战略远景研究所执行主任 Naeem Ahmad Salik 先生；
- 保障部业务处前处长、有效性评价处处长 Valery Bytchkov 先生；

¹ 本“主席的总结”仅供作为资料，其中反映了所提出的主要议题和与所宣布主题有关的讨论领域，既未打算寻求所有与会者的一致同意，也不意味着包罗万象和面面俱到。

- 中核战略规划研究总院副研究员赵学林先生。

原子能机构法律事务办公室防扩散和决策机关处处长 Ionut Suseanu 先生代表原子能机构秘书处就研讨会议程项目法律方面问题作了专题介绍。他参加了讨论，并回答了与会者提出的问题。

在这次研讨会上，除其他外，正如主席总结的那样，专家组成员和评论员还特别强调了以下意见。

1. AUKUS 核潜艇计划性质独特，且前所未有的，涉及在原子能机构保障之外从多个有核武器国家向一个无核武器国家大规模转移武器级高浓铀。AUKUS 与和平利用核能的区别、AUKUS 保障与其他国际保障的区别显而易见，不容忽视，就像老虎和猫的区别、橘子和苹果的区别一样。正是这些区别引起了对第 14 条的解释和适用的严重关切，并可能影响原子能机构全面保障制度的可信性、一致性和普遍性。

2. 第 14 条以前从未在实践中适用过，其解释和潜在执行对所有成员国的权利和利益都有系统性影响。因此，所有成员国都必须平等参与讨论和决策过程。与此同时，成员国和理事会共同承担着维护《不扩散核武器条约》及其相关的原子能机构全面保障制度所规定国际不扩散制度的权威性、可信性和有效性的集体责任。

3. 原子能机构并没有对核潜艇实施保障的经验，在确定与 AUKUS 核潜艇计划有关的哪些保障措施和安排足以实现原子能机构保障制度的目标方面，仍然存在重大技术挑战。（本“总结”第三部分概述了其中几项挑战）。在这方面，敦促 AUKUS 合作伙伴履行其对透明度和问责制的承诺，向总干事披露所有必要信息，以便其随后向理事会和成员国报告。

4. 一致性是原子能机构及其保障制度可信性的基石。因此，成员国之间必须进行公开和包容的磋商，以确保现在和将来都对所有成员国适用明确、透明和统一的规则、程序和标准。

5. 根据原子能机构《规约》授权，理事会有权履行原子能机构的职能。在这方面，透明度 — 连同来自 AUKUS 合作伙伴和秘书处的必要信息和说明 — 对于促进包容性对话、促进理事会和成员国之间的相互理解以及支持就 AUKUS 核潜艇计划相关事项做出知情、平衡和适当决策至关重要。

6. 鼓励原子能机构成员国和秘书处考虑建立或利用一系列相关论坛，支持就第 14 条所述保障安排达成共同商定的谅解。这些活动可能包括独立国际技术专家会议、与保障执行常设咨询组的磋商，以及秘书处在 AUKUS 核潜艇计划背景下举行的技术简况介绍会和会议。所有相关方和感兴趣的成员国都必须参与这些努力，以确保透明度、包容性和基础广泛的共识。

7. 成员国、AUKUS 合作伙伴、秘书处和技术专家之间必须就 AUKUS 核潜艇计划保障相关的法律、程序和技术方面保持一致、公开和透明的接触。在这方面，希望 AUKUS 合作伙伴继续积极参与后续研讨会和相关讨论，从而促进所有利益相关方之间的知情对话和相互理解。

研讨会上表达了不同的见解和关切，进一步凸显了 AUKUS 核潜艇计划的复杂性和争议性。

1. 许多与会者强调，第 14 条的解释和执行，以及与核潜艇有关的保障措施和安排，应通过一个协商、公开和透明的过程来处理。这种方法被认为是获得成员国广泛支持和信任以及确保原子能机构保障制度完整性的关键。因此，建议理事会按照惯例设立一个不限成员名额工作组或特别委员会来讨论这些事项。一些与会者认为，鉴于当前的政治背景，此类工作组或委员会可能会被政治化，从而可能阻碍其实现预期目标的能力。

2. 关于第 14 条的解释和适用，许多与会者指出，诸如非禁止军事活动/安排/协定等用语可有不同的解释，而且长期以来这一条从未被使用过。因此，建议成员国和理事会进行全面讨论，首先达成共识。一些与会者认为，既然理事会授权总干事缔结和执行“全面保障协定”，任何有关“全面保障协定”解释或适用的争端都应通过“全面保障协定”第 20 条至第 22 条所述机制解决，即磋商、由有关缔约国提交理事会或仲裁等。

3. 关于核潜艇的保障安排，普遍的共识是保障目标应保持不变。许多与会者强调，不应该对不同国家适用不同规则，特别是如果这样做会损害以核材料衡算为基础的保障的核心原则。一些与会者指出，安排一词通常是指秘书处与一个国家之间基于已批准的附属安排和核查程序模板的磋商。有鉴于此，建议应首先为此类情况建立一个全面的可适用保障框架。一些与会者强调，每座受保障的核设施都独一无二，保障方案和措施将因国别因素和获取途径分析而异。

4. 关于秘书处的作用，建议秘书处应与成员国广泛接触，以促进对核潜艇相关保障问题的讨论。一些与会者认为，原子能机构秘书处或许有技术能力为 AUKUS 和其他核潜艇计划制定保障方案，并可根据“全面保障协定”，通过与有关各方进行双边磋商，制定保障安排。其他与会者不同意这一观点。他们强调，原子能机构秘书处以前并没有对核潜艇实施保障的经验，现有实践不足以处理这种新情况。因此，他们呼吁秘书处适当考虑这一问题的敏感性和争议性，确保成员国的关切和观点得到充分考虑。

5. 关于保护机密资料和实现保障目标的必要性，一些与会者指出，秘书处有义务严格遵守“全面保障协定”规定的保密义务，并对执行保障协定过程中掌握的所有保障资料适用相同的保密标准。正根据各国的保障协定与所有国家讨论保障问题。还有人指出，在缺乏足够资料的情况下，理事会和成员国无法做出决定。有与会者建议，秘书处可根据公开来源的资料，编写一份关于核潜艇可适用的保障措施的一般性文件，以增进成员国对这一复杂问题的了解。此外，还有与会者建议秘书处考虑采用信息屏障等方法，在有效保障和保护机密资料之间取得平衡。

6. 关于理事会应对 AUKUS 核潜艇计划的潜在保障安排应采取的行动，与会者普遍认为理事会拥有最终决策权。一些与会者对 2022 年版“保障术语”中的变动表示关切，其中有关第 14 条安排的措辞从“任何此类安排必须提交理事会事先核准”改为“任何安排均须向原子能机构理事会提出报告”。一些与会者说，秘书处只能向理事会提交报告，无权规定具体的行动；应由理事会来确定适当的行动。强调“术语”是一份技术导则文件，不具有法律地位，不能作为解释现有保障协定下缔约方（原子能机构和各个国家）权利和义务的依据。此外，一些与会者建议理事会应将保障安排作为一个整体来考虑，而不是在理事会会议上就该安排的个别方面进行谈判。

上述观点的分歧凸显了就 AUKUS 核潜艇计划开展全面、包容和透明的政府间讨论过程的重要性和必要性。过去三年的研讨会期间提出并讨论了以下问题，值得原子能机构所有有关成员国进一步深入思考和讨论：

- 供应国是否同意在核材料装入 AUKUS 核潜艇反应堆之前对材料的数量和质量进行核查？
- 如果一个拥有核燃料循环的国家要发展自己的核潜艇，核材料转用的潜在途径是否比 AUKUS 案例中的途径更多或更复杂？
- 鉴于原子能机构没有对核潜艇实施保障的经验，是否有必要系统地评定有关措施的可行性和有效性？
- 谁拥有解释第 14 条的权利或权力？原子能机构秘书处是否有权力或授权在没有成员国参与的情况下解释《不扩散核武器条约》的规定？
- 什么是“非禁止军事活动”？“原子能机构”指谁？第 14 条中使用的“安排”和“协定”有何区别？
- 核潜艇在海上运行时，如何对其实施保障和核查措施？
- 在制定核潜艇保障安排时是否会考虑海上事故风险？

- AUKUS 核潜艇计划将如何影响根据“拉罗汤加条约”和“曼谷条约”建立的无核武器区？
- 理事会和成员国为何没有在制定有关执行第 14 条的政策和技术谅解方面发挥主导作用？
- 对于以高浓铀为燃料的核潜艇而言，什么才是可信的保障方案和相关技术目标？
- 第 14 条的适用是否影响原子能机构得出“更广泛结论”的能力？
- 谁来决定什么是军事活动的机密情报，又是基于什么标准？
- 关于“不对非禁止军事活动适用保障”的报告安排的范围和内容是什么？
- 为促进有关第 14 条的解释和执行事项的磋商和技术简况介绍会，有关成员国可向总干事和秘书处提供哪些支持？
- 为促进关于 AUKUS 核潜艇计划的政府间讨论过程，秘书处应发挥什么作用？
- AUKUS 核潜艇的保障安排是否会成为今后可能开展类似合作的先例和准则？

Concept Note

AUKUS: New Challenges to the IAEA Safeguards

The AUKUS nuclear submarine cooperation marks the first time in history for Nuclear-Weapon States to transfer nuclear powered submarine reactors and weapons-grade highly enriched uranium to a Non-Nuclear-Weapon State, setting an unique precedent with significant new challenges to the IAEA safeguards system, and the international nuclear non-proliferation regime with the NPT as its cornerstone. Australia's request to commence negotiations with the Agency on an arrangement required under Article 14 of the Comprehensive Safeguards Agreement (CSA) is unprecedented, and involves a series of controversial issues.

Looking back through the development of IAEA Safeguards practice, drafting and subsequent changes and amendments, interpretations and practices of Agency safeguards agreements traditionally have been considered in consultations involving all interested IAEA Member States on basis of consensus and inclusiveness within the Agency's statutory responsibilities. Safeguards agreements reached between Member States and the Agency have also been endorsed by the Board by consensus.

Thus far, no Member State with a CSA in force has concluded "an arrangement" pursuant to Article 14 of INFCIRC/153 (Corr.), nor has any such arrangement been presented to the Board for its consideration. Considering that AUKUS involves a series of complex factors including the transfer of weapons-grade nuclear materials, it will definitely have a profound impact on the development of IAEA safeguards, the applicability of Article 14 is therefore highly controversial.

Since November 2021, the Agency's Board of Governors and the General Conference have put "Transfer of the nuclear materials in the context of AUKUS and its safeguards in all aspects under the NPT" on the agenda of their meetings for Seventeen times. During the discussion process, various concerns, ideas and positions were expressed by Member States. This fully demonstrates the importance and necessity of continuing this intergovernmental discussion process among IAEA Member States.

With a view to preserving the international nuclear non-proliferation regime, this workshop will provide a platform for an open and inclusive discussion on various aspects of the AUKUS nuclear submarine cooperation, in correlation with IAEA safeguards tradition and CSA Article 14, so as to contribute to the on-going discussion within the IAEA.

AUKUS: New Challenges to the IAEA Safeguards

Conference Room-3, VIC April 24th 2025

- 14:00 ● Opening remarks by the Moderator
- 14:05 ● Introductory remarks by H.E. Ambassador Li Song
- Thematic discussions:
- 14:20 **IAEA safeguards tradition: why consensus and inclusiveness matters?**
 Panelist: Mr. Tariq Rauf, *Former Head of the Verification and Security Policy Coordination Office of the IAEA*
- 14:35 Q&A session
- 14:55 **AUKUS and its transfer of weapon-grade nuclear material: new practice as well as its impact to the IAEA Safeguards.**
 Panelist: Mr. Guo Xiaobing, *Senior Fellow of the China Arms Control and Disarmament Association*
- 15:10 Q&A session
- 15:30 ● Tea break
- Thematic discussions (continued):
- 15:50 **Article 14: differences between AUKUS and routine implementation of IAEA comprehensive safeguards. How to preserve non-discriminatory and universally applicable safeguards approaches, safeguards objectives, and safeguards measures in conformity with the Agency's safeguards system as approved by the Board of Governors and Member States?**
 Panelist: Mr. Noah Mayhew, *Senior Research Associate, Vienna Center for Disarmament and Non-Proliferation*
- 16:05 Q&A session
- 16:25 **Developing an effective and non-discriminatory IAEA safeguards regime on AUKUS: contributions from the Secretariat, Board of Governors and Member States.**
 Panelist: Mr. Anton Khlopkov, *Director of the Center for Energy and Security Studies*
- 16:40 Q&A session
- 17:00 ● Conclusion by the Moderator

Briefing for Governors and Permanent Representatives Accredited to the IAEA

THE EXISTENTIAL CHALLENGE TO IAEA SAFEGUARDS: *Policy Factors > Naval Nuclear Propulsion IAEA Practice on Safeguards Development*

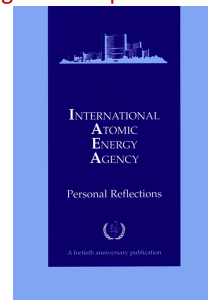
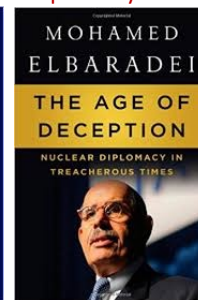
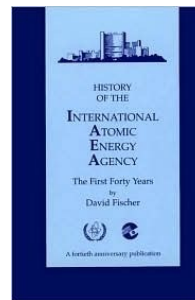


Tariq Rauf
Vienna: 24 April 2025



1

Return to Nuclear Diplomacy in an Age of Deception!



25-04-29

Tariq Rauf

2Tariq Rauf

Conflict of interest and Funding

- The author has declared no conflict of interest
- No IAEA Member State has influenced the findings of this project
- No financial support for this project has been sought nor received from any source whatsoever

Tariq Rauf: 2025-04-29

3

Notate bene

- 1) The views expressed in this presentation do **not** reflect those of the IAEA Secretariat – the views are those of the presenter for purposes of information and discussion ...
- 2) The IAEA is a complex international technical organization with a Statutory mandate for nuclear verification supplemented by a broad NPT mandate for CSAs in NNWS party to the NPT with the express agreement of NPT States Parties and Member States of the Agency ...

Tariq Rauf: 2025-04-29

4

Notate bene

- 3) The Director General makes policy informed by technical inputs from the Safeguards Department and legal opinions from the Office of Legal Affairs (OLA). Without prejudice to OLA's integrity, legal opinions are not policy – they are just that, opinions and the policy maker can take account of them or not...
- 4) The standard normal practice for the Secretariat during the tenure of DG ElBaradei was to be pro-active on controversial matters as well as on matters on which Member States expressed questions or concerns, especially concerning safeguards...

Tariq Rauf: 2025-04-29

5

Notate bene

- 5) The practice continued to some extent during the first half of the first term of DG Amano....
- 6) For example the Secretariat issued information Notes and conducted technical briefings on matters such as Safeguards Implementation Report, Integrated Safeguards, Small Quantities Protocols (rescission), State Level Approach ... in certain cases the Secretariat was pro-active in approaching concerned Member States to provide relevant questions that the Secretariat could respond to in writing and/or through consultations...

Tariq Rauf: 2025-04-29

6

Notate bene

- 7) My Office of Verification and Security Policy Coordination maintained an open door policy to facilitate receiving and responding to Member States' concerns and questions on safeguards and nuclear security matters, on a pro-active basis....
- 8) Consultations could include staff from the Safeguards Department and Legal Affairs, if required

Tariq Rauf: 2025-04-29

7

Notate bene

- 9) For example, with regard to the proposal on rescission or amendment of SQPs, on a pro-active basis Member States were approached for their views....
- 10) Open-ended consultations were convened with Ambassador Jacek Bylica (Poland) serving as facilitator/chair

Tariq Rauf: 2025-04-29

8

Notate bene

- 11) After fulsome consultations resulting in a report by Ambassador Bylica, the Secretariat put up the matter to the Board to authorize the Director General to proceed with rescission / amendments to the SQPs in force ...
- 12) It was not a matter of “appropriate action” or “reporting”, but of “approval” – “appropriate action” is an unfamiliar and contrived inexact term first used in GOV/INF/347 in 1978...

Tariq Rauf: 2025-04-29

9

Decisions by the Board: Practice



Take Note = the Board takes Note that means that the Board has given its assent or acceptance by “Taking Note”

Approve = the Board *approves* the texts of Safeguards Agreements between the IAEA and a State, prepared and submitted by the Secretariat to the Board for its “Approval” and for the Board to “Authorize” the Director General to conclude said Agreements

“For appropriate action” = a *non sequiter* > I cannot find a precedent for the Secretariat requesting such an action or decision by the Board > it could be considered as an imprecise formulation....the Board has long precedent of “taking note” and “approving” or “authorizing” as described above ...

Tariq Rauf

2025-04-29

10

Naval Nuclear Propulsion: The Way Forward

What actions can Member States and the Board consider:

1. Member States could request the Board Chair to consult Board Members, and interested Member States in open-ended consultations informally or by setting up a committee > **Statute Article VI.F** “The BoG shall have authority to carry out the functions of the Agency” and **Article VI.I**: “The BoG may establish such committees as it deems advisable”

Tariq Rauf: 2025-04-29

11

Naval Nuclear Propulsion: The Way Forward

2. Member States (MS) could request the Director General to prepare a detailed generic technical report on the implementation implications of Article 14 of INFCIRC/153 and Article 13 of INFCIRC/435
3. MS could initiate informal consultations to consider the feasibility of rescission or amendment of Article 14 of INFCIRC/153 and Article 13 of INFCIRC/435 to restore Agency safeguards procedures – a half century after the initial negotiation of INFCIRC/153 that was in a very different international situation from the current of strengthened safeguards

Tariq Rauf: 2025-04-29

12

Naval Nuclear Propulsion: The Way Forward

4. Member States could consider examining the matter of technical aspects of naval nuclear propulsion and non-application of safeguards in a Scientific Forum of the General Conference

5. Member States could provide their technical assessments on implementation of INFCIRC/153 Article 14 to the Secretariat and discuss in a Topical Meeting

Tariq Rauf: 2025-04-29

13

Naval Nuclear Propulsion: The Way Forward

What actions can Member States party to the NPT consider?

NPT Member States could examine the matter of technical aspects of naval nuclear propulsion and non-application of safeguards in Specific Time under Cluster II issues at the NPT PrepCom and in Subsidiary Body 2 under Main Committee II at the 2026 NPT Review Conference – a half century after the negotiation of INFCIRC/153 the international situation was much different from the current one, which is that of strengthened safeguards based on credible verification measures and conclusions

Tariq Rauf: 2025-04-29

14

Recent Developments

The following are some developments since the previous event on this matter was held at the VIC on 19 May 2024 and reported to Member States through IAEA document INFCIRC/1213 dated 29 May 2024...

Tariq Rauf: 2025-04-29

15

Naval Nuclear Propulsion (Indonesia and UNIDIR) NPT PrepCom Side Event, Geneva: 25 July 2024



Presentations: Indonesia, Australia, Brazil and UNIDIR

Indonesia: general introduction

Australia: same statement as given in Vienna:

Brazil: statement on Brazil's indigenous naval nuclear submarine acquisition programme > Quadripartite Agreement Article 13 > LEU fuel non-application of comprehensive safeguards

UNIDIR: ...

Tariq Rauf

2025-04-29

Naval Nuclear Propulsion (Indonesia and UNIDIR) NPT PrepCom Side Event, Geneva: 25 July 2024



Presentations: Indonesia, Australia, Brazil and UNIDIR

Australia: same statement as given in Vienna (Excerpts):

"We are committed to concluding an arrangement under Article 14 that will enable the IAEA to continue to fulfil its technical objectives at all stages of Australia's submarines' lifecycle, and to provide confidence to the international community on the non-diversion of nuclear material..."

We remain concerned that a preoccupation with dictating a uniform, one-size-fits-all approach to implementing IAEA safeguards might hamper the IAEA's ability to meet its technical objectives...

In fact, given state-specific variations between naval nuclear propulsion programs, we strongly doubt that such an approach would even be feasible for enabling the IAEA to achieve all of its technical objectives...

When our Article 14 arrangement comes before the Board of Governors, in the fullness of time, we expect it to be judged on its non-proliferation merits. In other words, on whether it enables the IAEA to fulfil its technical objectives..."

Tariq Rauf

2025-04-29

"Misinformation and Disinformation about AUKUS" NPT Side Event, Geneva: 26 July 2024 Australia, United Kingdom, United States



Statement by on AUKUS party: The transfer of highly enriched uranium from a nuclear-weapon State to a non-nuclear-weapon State is not a violation of the NPT **Several nuclear- weapon States**, including the United States, the former Soviet Union, the People's Republic of China, and Russia (as an independent nation) have **transferred highly enriched uranium fuel to non-nuclear weapon States for use in nuclear reactors** – just as it will occur under AUKUS ... Nothing about the enrichment level, the quantity, or any other technical parameter equates reactor fuel with a nuclear-weapon under the NPT or prohibits the transfer of enriched nuclear material of any enrichment level...

Tariq Rauf

2025-04-29

"Misinformation and Disinformation about AUKUS"
NPT Side Event, Geneva: 26 July 2024
Australia, United Kingdom, United States



Statement by AUKUS party: The transfer of highly enriched uranium from a nuclear-weapon State to a non-nuclear-weapon State is not a violation of the NPT Several nuclear- weapon States have **transferred highly enriched uranium fuel to non-nuclear weapon States for use in nuclear reactors** – just as it will occur under AUKUS ...

MY COMMENT/Reality: Correct as far as it goes, but the Statement neglects to mention one critical parameter >> **that all such transfers of HEU from a NNWS to a NNWS – before or after the advent of the NPT – were under safeguards >> bilateral prior to NPT, and CSA under the NPT ... LEU/HEU transfers to a NNWS for naval nuclear propulsion will NOT be under safeguards ...**

Tariq Rauf

2025-04-29

"Misinformation and Disinformation about AUKUS"
NPT Side Event, Geneva: 26 July 2024
Australia, United Kingdom, United States



Statement by AUKUS party: Some Member States have claimed a tradition or principle that **all new safeguards approaches have been developed in a consensus approach by the Board of Governors** and that, as such, that precedent requires an intergovernmental process. Firstly, **this claim is false....**

Tariq Rauf

2025-04-29

Record of Agency practice on safeguards evolution



MY COMMENT/reality: The record shows that matters concerning the formulation of safeguards approaches and measures: Agency's Safeguards System – INFCIRC/3 (24 Mar 1959); INFCIRC/26 (31 Jan 1961); INFCIRC/26/Add.1 (26 Feb 1964); INFCIRC/66 (28 Sep 1965); INFCIRC/66/Rev.1 (1966); INFCIRC/66/Rev.2 (16 Sep 1968); INFCIRC/153/Corr. (1 June 1972); SQP (1973); Programme 93+2; INFCIRC/540 (Sep 1997); SQP Rescission (2005) >> **all were agreed through a process involving consultations and negotiations with Member States >> all approved by the Board**

Tariq Rauf

2025-04-29

Reality



International Atomic Energy Agency
INFORMATION CIRCULAR

INFCIRC/66/Rev.2
 18 September 1968
 ORIGINAL Date
 Original: ENGLISH



THE AGENCY'S SAFEGUARDS SYSTEM
 (1961, AS PROVISIONALLY EXTENDED IN 1966 AND 1968)

1. The Agency's safeguards system, as approved by the Board of Governors in 1961, and provisionally extended in 1966 and 1968, is set forth in this document for the information of all Members.
2. The development of the system from 1961 onwards has been as follows:

System		
Nature	Name	Set forth in document
The first system	The Agency's Safeguards System (1961)	INFCIRC/26
The 1961 system as extended to cover large reactor facilities	The Agency's Safeguards System (1961), as Extended in 1964	INFCIRC/26 and Add.1
The revised system	The Agency's Safeguards System (1965)	INFCIRC/66
The revised system with additional provisions for reprocessing plants	The Agency's Safeguards System (1965) as Provisionally Extended in 1966	INFCIRC/66/Rev.1
The revised system with further additional provisions for safeguarded nuclear material in conversion plants and fabrication plants	The Agency's Safeguards System (1965), as Provisionally Extended in 1966 and 1968	INFCIRC/66/Rev.2

Tariq Rauf

2025-04-29

REALITY: The usual practice at the Agency in drafting and interpreting its fundamental obligatory and guidance documents is through open-ended and/or informal consultations involving all interested Member States...

Examples (re safeguards, 2020 Commission and MNAs):

- Committee 22 (1970-1972) for INFCIRC/153 Corr.
- Committee 24 (1993-1995) for 93+2 and INFCIRC/540
- MNA Expert Group (2004-2005) for INFCIRC/640
- Amendment or Rescission of SQPs (2005)
- Committee 25 on safeguards (2005-2006)
- CPPNM Amendment (2006)
- Technical meetings (ongoing)

Tariq Rauf: 2025-04-29

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Record of Agency practice on safeguards evolution



Committee 22: INFCIRC/153/Corr.

Programme "93 + 2"

Committee 24: Additional Protocol

Open-ended consultations: SQP Rescission (2005)

Committee 25: Strengthening safeguards

>> **all were agreed through a process involving consultations and negotiations with Member States >> all approved by the Board**

Secretariat/DG reports on Integrated safeguards, State Level Concept > **revised taking into account concerns and comments of Member States**

Tariq Rauf

2025-04-29

SECRETARIAT'S
INFORMATION PAPER
FOR MEMBER STATES
ON MNAs

Tariq Rauf



Board of Governors

GOV/INF/2007/11
Date: 13 June 2007
Restricted Distribution
Original: English

Possible New Framework for the Utilization of Nuclear Energy: Options for Assurance of Supply of Nuclear Fuel

Report by the Director General

1. Following the September 2006 Special Event on Assurance of Supply and Assurance of Non-Proliferation, held during the 50th regular session of the General Conference, the Director General indicated at the November 2006 meeting of the Board of Governors that the Secretariat would prepare a report for the information of Member States outlining possible approaches for assurance of supply of nuclear fuel.

2. This report provides background information including the evolution of proposals received by the Secretariat to date concerning assurance of supply and international nuclear fuel centres, and describes some common themes for assurance of supply of nuclear fuel and fuel fabrication services and lists possible criteria for assurance of supply. In addition, the report provides a commentary concerning possible international nuclear fuel centres and suggests ideas for further work. The annex to the report contains an outline of the relevant provisions of the IAEA Statute, describes the current international nuclear fuel market, provides an analysis of some common themes within the proposals that have been received and reproduces copies of these proposals for ease of reference.



2025-04-29

SECRETARIAT'S
INFORMATION NOTE
FOR MEMBER STATES
ON MNAs RESPONSES
TO QUESTIONS

Tariq Rauf



2010/Note 1
29 January 2010

Note by the Secretariat

Assurance of Supply

Information from the IAEA Secretariat with respect to the comments and questions of Member States

A. Introduction


1. Proposals on assurance of supply made or supported by Member States have been under discussion in the IAEA context for several years. The Secretariat provided an informal technical briefing to Member States on these proposals on 28 May 2009. The Board of Governors discussed these proposals in its meetings held on 19 June 2009 – the summary records of which are available in documents GOV/CB/1252 and 1253. In the discussions at the meetings of the Board of Governors in June, September and November 2009¹ on the various proposals on assurance of supply of LEBs.



2025-04-29

BRIEFING FOR MEMBER STATES ON MNAs
BY AGENCY'S MNA COORDINATOR

Tariq Rauf




Multilateral Approaches to the Nuclear Fuel Cycle and other proposals

Tariq Rauf
Head, Verification and Security Policy Coordination
(Scientific Secretary of the Expert Group on Multilateral Nuclear Approaches (MNA) and of the 50th IAEA General Conference (Special Event):
New Framework for the Utilization of Nuclear Energy in the 21st Century:
Assurance of Supply and Non-Proliferation)

Vienna, 6 February 2007






2025-04-29

BRIEFING FOR MEMBER STATES

Tariq Rauf




Assurance of Supply
GOV/2009/30 and GOV/2009/31

Tariq Rauf
(Head, Verification and Security Policy Coordination,
Office of General Relations and Policy Coordination)
Informal Technical Briefing
Vienna: 28 May 2009



Note

* This is an informal technical briefing on the reports of the Director General GOV/2009/30 and GOV/2009/31






2025-04-29


Technical Briefing

"Practical and Technical Aspects of an IAEA Low Enriched Uranium Bank "


Date: Monday, 8th November 2010 – 10:30am to 13:00pm
Location: IAEA "M" building – Conference Room M-1

Presented to the IAEA 08 Nov 2010
Vienna, Austria
John Ritchie
James Cornell





2025-04-29



2025-04-29

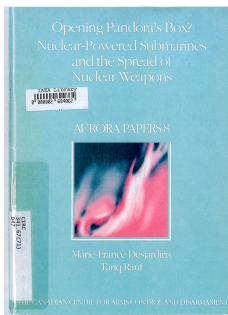
Notate bene

13. My then-colleague Marie-France Desjardins and I were the first to assess and report on the matter of nuclear-powered submarines (SSNs) and the possible impact on the Agency's safeguards system and the spread of nuclear weapons in our 1988 publication > cover on the next slide...

Tariq Rauf: 2025-04-29

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Canadian Centre for Arms Control and Disarmament (1988)



29/04/2025

Naval Nuclear Propulsion: NPT and IAEA Safeguards

Non-application of safeguards to nuclear material used in non-peaceful activities

“Loophole” in
INFCIRC/153 (Corr.)?

NON-APPLICATION OF SAFEGUARDS TO NUCLEAR MATERIAL TO BE USED IN NON-PEACEFUL ACTIVITIES

Article 14

If Australia intends to exercise its discretion to use nuclear material which is required to be safeguarded under this Agreement in a nuclear activity which does not require the application of safeguards under this Agreement, the following procedures shall apply:

- (a) Australia shall inform the Agency of the activity, making it clear:
- (b) That the use of the nuclear material in a non-proscribed military activity will not be in conflict with an undertaking Australia may have given and in respect of which Agency safeguards apply, that the nuclear material will be used only in a peaceful purpose;
 - (c) That during the period of non-application of safeguards the nuclear material will not be used for the production of nuclear weapons or other nuclear explosive devices;
- (b) Australia and the Agency shall make an arrangement so that, only while the nuclear material is in such an activity, the safeguards provided for in this Agreement will not be applied. The arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. In any such period, the Agency shall be kept informed of the use of the nuclear material. As soon as the nuclear material is reintroduced into a peaceful nuclear activity, the Agency shall be kept informed of the total quantity and composition of such unsecured nuclear material in order that any exposure to the material may be assessed;
- (c) Each arrangement shall be made in agreement with the Agency. Such agreement may be given as promptly as possible and shall relate only to such matters as, inter alia, temporal and procedural provisions and reporting arrangements, and shall be subject to the Agency's right to suspend the use of military activity or relate to the use of the nuclear material therein;

- 5 -

29/04/2025

Questions: NPT, INFCIRC/153
20 Aug 1987: Secretariat letter addressed to me:

[illegible][illegible]

Yours sincerely,

Christopher Noxon
Director
Office of the President, Middlebury College

2025-04-29

Questions: NPT, INFCIRC/153
20 Aug 1987: Secretariat letter addressed to me:



“A number of the questions you have asked involve matters of judgement about the Non-Proliferation Treaty and the policy of the Canadian Government in relation to the Treaty. It would not be proper for individual staff members of the Agency to make comments or judgements in such political or policy areas, which could be interpreted as reflecting the view of the Agency and its secretariat as a whole. Nor is it proper for the Agency itself to take a position on legitimate national policy debates...”

- “How may one interpret this official 1987 IAEA statement and the Director General’s ‘supportive’ statements on naval nuclear propulsion programmes of Member States (AUKUS and Brazil)?

Tariq Rauf

2025-04-29

Questions: Technical:
20 Aug 1987: Secretariat letter addressed to me:



- To the Secretariat's knowledge **there is no formal definition of "non-proscribed military activity"**. We understand that at the time of preparing INFCIRC/153 *naval propulsion* was commonly considered the *most likely* use. We also understand that most, if not all, participants in the Committee which prepared INFCIRC/153 favoured a *narrow construction* of the term "non-proscribed military activity", and that "processes such as **enrichment or reprocessing to produce materials for use in such an activity** would not themselves be considered as non-proscribed military uses and would therefore be subject to safeguards in the NNWS concerned" >> **who should address definitions regarding para.14?**

Taria Rauf

2025-04-29

Questions: Technical:
GOV/INF/347 (1978) Director General



- No State Party to NPT has so far exercised the discretion referred to in paragraph 14. Accordingly, the Board of Governors has not had occasion to interpret that paragraph, nor has it elaborated in further detail the procedures to be followed pursuant to that paragraph...[GOV/INF/347]
- *Should not now the Board “interpret” Article 14 and elaborate the “procedures” to be followed...? Is it not urgent to do so...?*

Taria Rauf

2025-04-29

Questions: NPT, INFCIRC/153:
20 Aug 1987: Secretariat addressed to me:



“The undertakings made by NNWS parties to the Treaty prohibit the use by NNWS of nuclear material for nuclear weapons or other nuclear explosive devices. They do not explicitly exclude or include the possibility of NNWS parties to the Treaty making use of nuclear material for other non-proscribed military purposes...”

Tariq Rauf

2025-04-29

Questions: Technical:
Article 14 – INFCIRC/153 Corr.



(c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible; it shall only relate to the temporal and procedural provisions, reporting arrangements, etc., but shall not involve any approval or classified knowledge of the military activity or relate to the use of the nuclear material therein

Tariq Rauf

2025-04-29

Questions: Technical:
Article 14 – INFCIRC/153 Corr.



(c) Each arrangement shall be made in agreement with the Agency. The Agency's agreement shall be given as promptly as possible... > does this imply that the “Agency” [Board, Member States, Secretariat] should have some role in drafting or negotiating the principles, procedure and practice of the “arrangement”?

Tariq Rauf

2025-04-29

Questions: Technical:
20 Aug 1987: Secretariat letter addressed to me:



IAEA: “To the Secretariat's knowledge **there is no formal definition of “non-proscribed military activity...”**”

A definition for the consideration and approval of the Board should be developed by whom?

- Secretariat?
- Member States with support of Secretariat?
- SAGSI?
- International panel of experts?
- States seeking to implement para. 14?

Tariq Rauf

2025-04-29

Notate bene

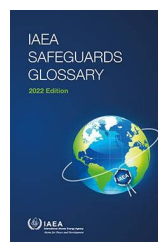
14. The Safeguards Glossary issued in 2022 has a revised description of INFCIRC/153 Corr. para.14 on “Non-application of safeguards to nuclear material to be used in non-peaceful activities” as compared to the 2001 edition > see following slides **But no explanation is provided by the Secretariat explaining the change and the necessity for it ...?**

Tariq Rauf: 2025-04-29

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Naval Nuclear Propulsion: NPT and IAEA Safeguards

IAEA Safeguards Glossary 2022 edition



2.15. Non-application of safeguards to nuclear material to be used in non-peaceful activities. The use of nuclear material in a non-proscribed military activity which does not require the application of IAEA safeguards. More specifically, this refers to the use by a State with a comprehensive safeguards agreement (CSA) as envisaged in para. 14 of [153] of nuclear material in a nuclear activity which does not require the application of IAEA safeguards (e.g. a non-proscribed military activity such as naval nuclear propulsion). the IAEA and the State are required to make an arrangement, as provided for in para. 14(b) and 14(c) of [153], so that only while the nuclear material is in such an activity, the safeguards provided for in [153] will not be applied. Such an arrangement shall identify, to the extent possible, the period or circumstances during which safeguards will not be applied. **Any arrangement pursuant to para. 14 of [153] will be reported to the IAEA Board of Governors**



29/04/2025

Naval Nuclear Propulsion: NPT and IAEA Safeguards

IAEA Safeguards Glossary 2001 edition



2.14. Non-application of IAEA safeguards — refers to the use of nuclear material in a non-proscribed military activity which does not require the application of IAEA safeguards. Nuclear material covered by a comprehensive safeguards agreement may be withdrawn from IAEA safeguards should the State decide to use it for such purposes, e.g. for the propulsion of naval vessels. Paragraph 14 of [153] specifies the arrangements to be made between the State and the IAEA with respect to the period and circumstances during which safeguards will not be applied. **Any such arrangement would be submitted to the IAEA Board of Governors for prior approval**



29/04/2025

Naval Nuclear Propulsion: NPT and IAEA Safeguards > Confusion?



Six Questions on Naval Nuclear Propulsion and IAEA Safeguards

4. Would Board approval be required for an arrangement for the non-application of safeguards on material used in naval nuclear propulsion?

Not necessarily.

Second, during Committee 22 the view was expressed that, as the NPT did not prohibit non-explosive military nuclear uses, no Member State should be able to block the conclusion of a paragraph 14 arrangement because it objected to the nature of the use. **The Director General may consult with the Board, but is under no obligation to do so.**

Inaccurate !



29/04/2025

CONCLUSIONS

Implementation of INFCIRC/153 Article 14 providing for non-application of Agency safeguards on non-peaceful nuclear (non-explosive) activities has the potential to irreversibly adversely affect the non-discriminatory universal application of comprehensive safeguards in NPT non-nuclear-weapon States with CSAs in force...

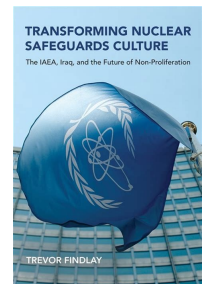
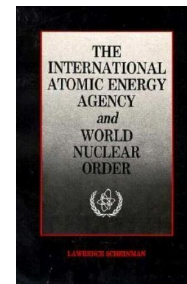
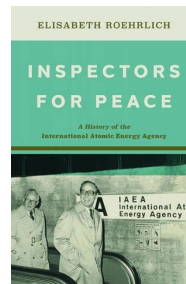
It has not been Agency practice for any Member State or group of Member States to define a so-called "highest non-proliferation standard" nor to claim to create any precedent(s) for interpretation or implementation of CSAs (or APs) > that is the sole prerogative of the Board and Member States...



29/04/2025

Tariq Rauf

Readings



29/04/2025

Tariq Rauf

29/04/2025

AUKUS and its transfer of weapon-grade nuclear material: new practice as well as its impact on the IAEA Safeguards

GUO XIAOBING
China Institutes of Contemporary International Relations (CICIR)
April 24, 2025

Questions

- Why the AUKUS nuclear deal is special?
- What are its impacts upon the IAEA safeguards?

the AUKUS SSN program

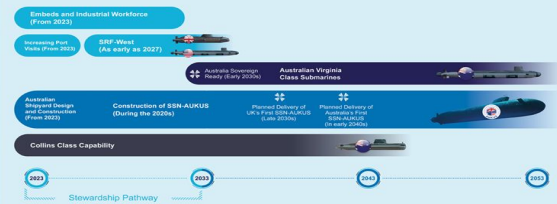
The AUKUS SSN program started in September, 2021, when the US, the UK and Australia jointly declared that the US and the UK will assist Australia to build at least 8 nuclear-powered submarines.

On 13 March 2023, AUKUS states announced an optimal pathway to produce a nuclear-powered submarine capability in Australia.

In August 2024, Australian Prime Minister made undisclosed "political commitments" with its AUKUS partners in an agreement for the transfer of naval nuclear technology to Australia.

Transfers of tons of weapon grade HEU from nuclear weapon states to a non-nuclear weapon state is unprecedented.

PATHWAY TO AUSTRALIA'S NUCLEAR-POWERED SUBMARINE CAPABILITY



- both the US Virginia-class submarine and the UK Astute-class submarine use weapon-grade HEU ((93.5% U-235)



Quantity of involved weapon-grade nuclear materials

- $500 \times 8 = 4000$.
- 25 kilograms of weapons-grade HEU = "significant quantity,"
- $4000 / 25 = 160$ bombs





- Who has the right to interpret Article 14 and its applicability? This is an old question. There is no easy answer to it.
- When Committee 22 drafted the Comprehensive Safeguards Agreement template (INFCIRC/153) in early 1970s, it could not reach agreement on whether "the original proposal tabled by the Secretariat would have required for Board approval" or "approval by the Director General".

The application of Article 14 of the Comprehensive Safeguards Agreement template (INFCIRC/153) is unprecedented.

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- In his response to Australia, the Director General of the IAEA thought that question was important, and mentioned two important points in his response. First, Article 14 has not been interpreted by the Board of Governors yet. Second, the Board of Governors has the authority to take appropriate action.

- Whether Article 14 of the CSA is applicable to AUKUS is a serious question worth comprehensive discussion.

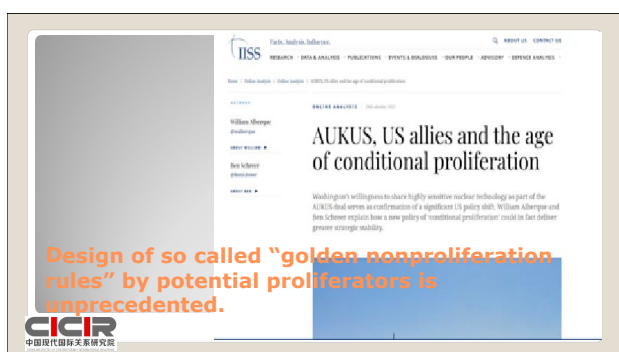
Director General S. Eklund's clarification about Article 14 in 1978

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- The IAEA does not have experience in this respect.

The IAEA safeguards of tons of weapon grade HEU in Submarine used for military purpose is unprecedented.

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Face the truth: AUKUS = an axis of conditional proliferators

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- Challenges to the legal basis of IAEA Safeguards
 - Violation of article 2 of IAEA Statute.

ARTICLE II Objectives

The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world. It shall ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Impacts upon the IAEA Safeguards

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- The modification, interpretation and implementation of the various types of the IAEA's safeguards agreements, require consensus among all willing IAEA member states and then are approved and adopted by the IAEA Board of Governors

- INFCIRC/66
- INFCIRC/153
- INFCIRC/540



Endanger the tradition of consensus.

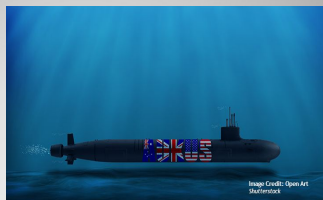
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- It is difficult to strike a balance between effective monitoring and protection of sensitive information.

Technical Challenges to the IAEA Safeguards

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- it is not easy for IAEA to track and verify while the SSN cruises in the deep sea.



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- Up to now no non-nuclear-weapon state to the NPT has ever invoked exemptions from safeguards on nuclear-powered submarine reactors. The feasibility and effectiveness of related verification technology requires comprehensive test.
- The safety and security of nuclear materials and technology must be guaranteed during the transportation of nuclear materials involved in nuclear submarine reactors. Miscellaneous factors such as packaging, critical reaction prevention, decay heat, and reactor trip must be taken into consideration.

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❧ All verification options have their own flaws. The "black box" scheme, for instance, is controversial with regard to the starting and end points of verification and lacks essential timeliness, credibility or operability, or the technical means for verification tracking and information shielding.

❧ First, the AUKUS SSN program is an unprecedented conditional proliferation case. We should not mix it with the routine safeguard arrangements.

❧ Second, the AUKUS SSN program pose grave legal and technical challenges to the IAEA safeguards mechanism. The international arms control community and relevant think tanks should maintain ongoing attention to relevant issues and hold regular sessions for discussion,

❧ Thank you!

Article 14: Safeguards Objectives, Approaches and Measures

Noah Mayhew
Senior Research Associate

Safeguards Objectives: INFCIRC/153 and Practical Implementation

OBJECTIVE OF SAFEGUARDS

28. The Agreement should provide that the objective of safeguards is the timely detection of diversion of significant quantities of *nuclear material* from peaceful nuclear activities to the manufacture of nuclear weapons or of other nuclear explosive devices or for purposes unknown, and deterrence of such diversion by the risk of early detection.

Safeguards Objectives: Paragraph 14

NON-APPLICATION OF SAFEGUARDS TO NUCLEAR MATERIAL TO BE USED IN NON-PEACEFUL ACTIVITIES

14. The Agreement should provide that if the State intends to exercise its discretion to use *nuclear material* which is required to be safeguarded thereunder in a nuclear activity which does not require the application of *safeguards under the Agreement*, the following procedures will apply:

(b) The Agency and the State shall make an arrangement so that, only while the *nuclear material* is in such an activity, the *safeguards provided for in the Agreement will not be applied*. The arrangement shall

Safeguards Objectives: Generic

- To detect any **diversion of declared** nuclear material at declared facilities or locations outside facilities (LOFs);
- To detect any **undeclared production or processing** of nuclear material at declared facilities or LOFs;
- To detect any **undeclared** nuclear material or activities in the **State as a whole**.

IAEA Safeguards Glossary 2022

Safeguards Objectives: Technical

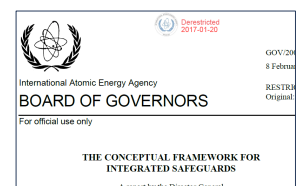
Acquisition path analysis. A structured method used to analyse the plausible paths by which, from a technical point of view, nuclear material suitable for use in a nuclear weapon or other nuclear explosive device could be acquired. **Acquisition path analysis is used to establish technical objectives for a State with a comprehensive safeguards agreement (CSA) in force.** It does not involve judgements about a State's intention to pursue any such path.

IAEA Safeguards Glossary 2022

Conceptual Framework for Integrated Safeguards

- State-specific factors (State-specific features and characteristics)
- Acquisition path analysis (APA)

See paras GOV/2002/8 (paras 15-16, 21-24; GOV/OR.1045 (paras 16-17))



Outstanding Questions

- How do the technical objectives change?
- What measures could be chosen?
- What could the arrangement look like as a whole?



In Summary

- **Overall objective** of safeguards from INFCIRC/153 does not change.
- **Generic objectives** also do not change.
- Acquisition path analysis and State-specific factors inform **technical objectives** on the basis of which the Secretariat develops the **safeguards approach** and choose associated **safeguards measures**.

Thank you

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Workshop “AUKUS: New Challenges to the IAEA Safeguards”

Remarks by Anton Khlopkov, Director, Center for Energy and Security Studies
Vienna (Austria), 25 April 2025

“Developing an effective and non-discriminatory IAEA safeguards regime on AUKUS: contributions from the Secretariat, Board of Governors and Member States.”

It is difficult to be revolutionary or innovative, when you are the last speaker in such a highly-qualified and expertise-dense audience. In my remarks I would like to highlight a few points, which I believe are of special importance, based on our discussion today, last year workshop, and a few of my own ideas and observations.

1. First of all, I'd like to echo the previous speakers and express my gratitude to the Permanent Mission of China for their consistent efforts in organizing inclusive discussions on IAEA safeguards in the context of the AUKUS nuclear submarine deal. I'd like to highlight the word 'inclusive'. This is likely the only regular platform open both to diplomats and think-tankers. I'm glad to be a part of this very interactive discussion.

2. A number of experts today spoke on the developments around the AUKUS nuclear submarine deal and IAEA safeguards application in that context since the second workshop, which was held by the Chinese Mission in Vienna on 27 April 2024. I'd also like to focus on one specific aspect of the topic.

There are growing concerns about the regular references by AUKUS states in their joint trilateral documents to the cooperation practices under the (3 July) 1958 US-UK Mutual Defense Agreement. The recent Agreement for Cooperation Related to Naval Nuclear Propulsion of 5 August 2024 is no exception. Let me remind you – the UK-US MDA is a legal basis for ongoing cooperation between UK nuclear R&D institutions and US nuclear weapons labs. Particularly, Article II of the agreement provides for the exchange of classified information necessary for the development of nuclear weapons delivery systems and the training of personnel in the use of nuclear weapons. It's at the very least surprising and controversial that this agreement is referenced by two NPT depositories in a deal with a NNWS.

AUKUS states should clarify the relationship between the AUKUS related arrangements and the UK-US MDA, especially since there are concerns that the nuclear submarines for Australia could be converted to carry nuclear weapons in the future.

3. Unfortunately, since the last workshop, there has been no much progress in AUKUS states being more open to inclusive dialogue regarding their submarine deal and IAEA safeguards in this context. The three states continue engaging with the IAEA Secretariat behind the closed doors.

That said, I'd like to highlight: consistency is a key element, a backbone of the IAEA safeguards system's credibility and the guarantees' overall effectiveness. Former US National Security Advisor John Bolton once said, “Consistency is for the weak.” But in the context of the IAEA and safeguards, a lack of consistency could be destructive if not fatal.

A departure from the traditional formats of developing new conceptual documents related to the implementation of safeguards, especially without broad discussions involving interested parties, poses a threat to long-term trust in the safeguards system and credibility of the safeguards system.

For example, after the Iraq crisis, exactly in this way – in an inclusive manner – the Additional Protocol was developed. It's worth noting that this is a voluntary document for states to sign, unlike the arrangement under Article 14 of the CSA. The latter is mandatory if a state intends to “exempt” nuclear material from IAEA safeguards for the use in a non-proscribed military activity.

I believe it's accurate to say that the HEU quantity to be delivered to Australia under the AUKUS nuclear submarine deal significantly exceeds the combined stocks of HEU of similar enrichment levels in all NNWS where the Additional Protocol is applied. Isn't this alone a strong enough reason to develop approaches to the application of safeguards in the same inclusive manner as with the Additional Protocol with all interested member states involved?

4. At the same time, I want to highlight that the fate of the AUKUS nuclear submarine deal itself is still unclear. Within the current U.S. administration, there are high-level officials who, for various reasons, consistently express skepticism about its prospects. Among them, for example, is Elbridge Colby, who earlier this month was confirmed by the U.S. Senate as Pentagon Policy Chief or Under Secretary of Defense for Policy.

This raises a reasonable question: whose long-term interests are being served by undermining the established IAEA formats for developing conceptual safeguards approaches, especially considering that such new approaches would set precedents? Even more so given that the very agreement prompting these changes may never be implemented. This could lead to losses for everyone and, most importantly, damage the credibility of the safeguards system.

5. When we talk about the importance of consistency in the context of evolution of the IAEA safeguards system, it applies equally to both Member States and the IAEA Secretariat. As it is known, in 2022 a new edition of the Safeguards Glossary was published. There, the role of the IAEA BoG in adopting arrangements under Article 14 of the CSA was changed. It was, I quote, “any such arrangement would be submitted to the IAEA Board of Governors for prior approval.” Now it is “Any arrangement pursuant to para. 14 of [153] “will be reported to the IAEA Board of Governors”.

I am sure that the Secretariat may have strong and valid reasons for revising its stance on the BoG's role regarding such arrangements. But it is crucial that these arguments be communicated in as much detail as possible, including publicly. Glossary is a public document. Perhaps a dedicated article on the Agency's website could be used to explain what are the reasons behind the change of Secretariat position. **It's still not too late to do this.** After all, the declared purpose of the Glossary, as stated by the IAEA itself, is to facilitate “understanding of the specialized safeguards terminology within the international community.” Serious changes should be accompanied by legal

and technical explanations from the Secretariat, and should serve as a basis for further discussion of this matter.

6. In his statement on 14 March 2023, the IAEA DG Grossi drew attention to the fact that drafting an appropriate arrangement involves “serious legal and complex technical matters” as well as “the development of the necessary safeguards approach”. One cannot but agree with this statement. In this context, it makes sense to consider creating an expert mechanism that would combine the knowledge and experience of the Secretariat and the IAEA Member States. My personal believe is that in accordance with existing practice, the IAEA Member States should take active part in the development of arrangements on conceptual issues related safeguards, that includes arrangements necessary under the Article 14 of CSA. There is no experience for the application of safeguards in similar to AUKUS nuclear submarine projects. The relevant concept needs to be developed.

During the workshop last year I proposed that the Secretariat and the IAEA Member States shall consider establishing or using different types of fora to contribute to the development of arrangements necessary under the Article 14 of CSA: Special Committee open to all IAEA Member States; Special Expert Group; SAGSI; Technical Meetings on application of safeguards in the context of AUKUS nuclear submarine deal. And this list is not exhaustive. Tariq Rauf mentioned today a Scientific Forum of the General Conference as another option. So, we do have a menu of options if there is a political will among the AUKUS states in first place to have a truly inclusive and sustainable approach.

7. The AUKUS partners on multiple occasions and at different levels, including at the highest level, expressed their commitment to adhere to “the highest standards” for international transparency. It is high time to move from statements to actions.

8. I began my comment by highlighting the lack of inclusive platforms for discussing the issue of safeguards in the context of the AUKUS nuclear submarine deal. In this regard, I would like to inform you that the 8th Moscow Nonproliferation Conference will take place from 12-14 March 2026. I’d use this opportunity to invite everyone interested to engage in a discussion on the topic of IAEA safeguards and Article 14 of CSA in the context of the AUKUS deal. We are particularly interested in the participation of AUKUS states and will be pleased to provide them a platform to present their perspective and approaches to these complex issues.

Elements presented by the Secretariat during the Workshop on 24 April 2025

(Provided by Mr. Ionut Suseanu)

- The Agency is an intergovernmental organization established by the Statute (Art. I of the Statute); States are parties to the Statute and they have the authority to interpret its provisions; objectives (Art. II), functions (Art. III), roles of PMO (Art. V and VI), DG and the Secretariat (Art. VII).
- The safeguards or control function of the Agency set out in Art. III.A.5 of the Statute is different than the “assistance” function which is addressed in Art. III.A.1-4, 7, and Art. IX-XI.
- Art. III.A.5 authorizes the Agency to establish and administer safeguards designed to ensure that assistance made available by the Agency is not used in such a way as to further any military purpose; this applies to project and supply agreements approved by the Board involving Agency assistance (Art. XI – Agency Projects).
- In addition, Art. III.A.5 authorizes the Agency to apply safeguards, at the request of the parties, to any bilateral or multilateral arrangement (e.g. in connection with the NPT or NWFZ treaties) or at the request of a State, to any of that State’s activities in the field of atomic energy.
- The Board has the authority to carry out the functions of the Agency, including safeguards (Art. VI.F.). This has been confirmed by subsequent Board practice. The Board has authorized the DG to sign and implement all SG agreements (item-specific, CSA, VOA), now in force for 191 States.
- Since 1959, all safeguards documents (e.g. Inspector Document, first safeguards system (INFCIRC/26) and its subsequent revisions (INFCIRC/66, Rev. 1 and 2), INFCIRC/153, INFCIRC/540 and Safeguards Confidentiality Regime (1997) were developed by MS in the framework of the Board or its Safeguards Committees and approved by the Board.
- Regarding CSAs, the document contained in INFCIRC/153, was negotiated by Member States in the framework of Committee 22 established by the Board in 1970 after the entry into force of the NPT, and it was approved by the Board in 1971. The Board authorized the Director General to use this document as the basis for negotiating CSAs in connection with the NPT, and it has been doing so since 1971 without change. CSA concluded on the basis of INFCIRC/153 are currently in force for 183 NNWS parties to the NPT.

- The safeguards provisions in the Statute are not self-executing; the Agency applies safeguards on the basis of the safeguards agreements in force with States, and regional organizations. For States with CSAs in force, the Agency applies safeguards on the basis of their respective CSA concluded with the Agency pursuant to the authority provided for in Article III.A.5 of the Statute, i.e. “to apply safeguards, at the request of the parties to any bilateral or multilateral arrangement”.
- The safeguards agreements set out the States undertakings, rights and obligations of the parties and the relevant safeguards procedures to be applied.
- The issue of compatibility of safeguards agreements, including CSAs based on INFCIRC/153, and the Agency’s Statute as regards the statutory legitimacy of non-explosive military applications of nuclear material subject to the Agency’s safeguards system was considered by the Board in early 80’s. The study carried out at that time by the Director General concluded that this statutory requirement is met under all types of safeguards agreements, including INFCIRC/153-type agreements. The Board took note of this study.
- The State’s undertaking in Article 1 of the CSA is to accept safeguards on all nuclear material in “all peaceful nuclear activities within its territory, under its jurisdiction or carried out under its control anywhere”. This is in accordance with Article III.1 of the NPT. The Agency has the right and obligation to apply safeguards, in accordance with the provisions of the CSA, on all such material to verify that it is not diverted to nuclear weapons or other nuclear explosive devices.
- The use of nuclear material required to be safeguarded under a CSA, whether produced domestically or imported, for nuclear-powered submarines was envisaged by Member States during the negotiations of Committee 22, it was agreed and reflected in paragraph 14 of INFCIRC/153 and included subsequently in the CSAs approved by the Board. Therefore, this is part of the legal framework, i.e. CSAs concluded on the basis of INFCIRC/153 which the Board has authorized the Director General to sign and implement. This function entrusted to the DG by the Board has been implemented in accordance with the safeguards agreements and under the authority of the Board.
- There is no mechanism in the CSA providing for automatic exclusion from safeguards of nuclear material “required to be safeguarded” under the CSA. This has to be done through the arrangement provided for in Article 14 of the CSA. Regarding the relevant reporting procedures of nuclear material, the nuclear material produced

domestically or imported has to be reported to the Agency as provided for in Art. 34 (c) and 91-95. The definition of “inventory change” in the CSA also refers to receipts from a non-safeguarded (non-peaceful) activity and shipment for a non-safeguarded (non-peaceful) activity; none of these provisions have an exclusion for nuclear material used in naval nuclear propulsion or transferred for a non-proscribed military activity in a CSA State. Such advance notification enables the Agency to plan its activities under the CSA, prior to the time when the arrangement in Art. 14 becomes effective.

- Article 14 of the CSA allows the State to use nuclear material which is required to be safeguarded under the CSA in a nuclear activity, such as nuclear propulsion for submarines, provided that the State makes an arrangement with the Agency in this regard.
- Under Art. 5 of the CSA, the Agency has the obligation to protect confidential information coming to its knowledge in the implementation of the CSA. The Agency cannot not publish or communicate to any State, organization or person any information obtained by it in connection with the implementation of the CSA, including with respect to information received from a State in relation to Art. 14 arrangement, except that specific information relating to such implementation in the State may be given to the Board and to such Agency staff members as require such knowledge by reason of their official duties in connection with safeguards, but only to the extent necessary for the Agency to fulfil its responsibilities in implementing the CSA.
- Since September 2021, the DG addressed the matter in his statements to the Board and also in the SIR and specific reports to the Board. In this context, DG pointed out, inter alia, that:
 - the legal obligations of the parties and the non-proliferation aspects are paramount; the Agency’s role in this process is foreseen in the existing legal framework and falls strictly within its statutory competences;
 - the Agency will continue to have its verification and non-proliferation mandate as its core guiding principle and it will exercise it in an impartial, objective and technical manner;
 - the technical discussions initiated with two States with CSAs in force which notified the Agency of their decisions to acquire naval nuclear propulsion would need to address all aspects related to the application of safeguards to nuclear

material and related facilities prior to and after the required arrangements would become effective, as well as the elements to be included in such arrangement; the Agency will consider in addition, which provisions of the Additional Protocol would be applicable, as well as any transparency measures that might be offered in this regard.

- during this process, we will act in strict accordance with the letter and spirit of the legal framework (CSA, AP and the Statute) and keep the Board informed at all stages of our consultations.
- The legal aspects to be discussed concern paragraph 14 of INFCIRC/153 as a whole and will include:
 - the State party's commitment that the use of the nuclear material in a non-proscribed military activity will not be in conflict with an undertaking the State may have given, and in respect of which Agency safeguards apply (e.g. an item-specific safeguards agreement or a project and supply agreement), that the nuclear material will be used only in a peaceful nuclear activity;
 - Duration of the arrangement;
 - Reporting arrangements, which do not involve any approval or classified knowledge of the military activity or relate to the use of nuclear material therein.
- Regarding the issue of interpretation of the CSA provisions, DG clarified during the Board meeting in June 2023 that there are specific provisions on the interpretation and application of the CSA in articles that correspond to paragraphs 20 and 21 of INFCIRC/153. Paragraph 20 provides that the State party to the CSA and the Agency "shall, at the request of either, consult about any question arising out of the interpretation or application of [the CSA]", including paragraph 14. Pursuant to paragraph 21, the State party to the CSA has the right to request that "any question arising out of the interpretation or application of [its CSA] be considered by the Board". So interpretation where it is a matter between the State party concerned and the Secretariat, this is according to the existing legal framework.
- DG also informed the Board on several occasions that he will ensure a transparent process that will be solely guided by the Agency's statutory mandate and the relevant safeguards agreements and he will continue to keep the Board of

Governors and Member States informed of this work and to transmit the arrangement when finalized to the Board of Governors for appropriate action.