

### The 1997 IAEA Additional Protocol At a Glance

July 2006. Press Contacts: Daryl Kimball, Executive Director; (202) 463-8270 x107 or [dkimball@armscontrol.org](mailto:dkimball@armscontrol.org); Paul Kerr, (202) 463-8270 x102 or [pkerr@armscontrol.org](mailto:pkerr@armscontrol.org)

The International Atomic Energy Agency (IAEA) began an effort in 1993 to better constrain NPT member-states' ability to illicitly pursue nuclear weapons after secret nuclear weapons programs in Iraq and North Korea exposed weaknesses in existing agency safeguards. That effort eventually produced a voluntary Additional Protocol, designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weapon states-parties to the nuclear Non-proliferation Treaty (NPT) only use nuclear materials and facilities for peaceful purposes. The IAEA is responsible for validating that NPT states-parties are complying with the treaty, which bars all states except China, France, Russia, the United Kingdom, and the United States from acquiring nuclear weapons.

Iraq, an NPT state-party, successfully circumvented IAEA safeguards by exploiting the agency's system of confining its inspection and monitoring activities to facilities or materials explicitly declared by each state in its safeguards agreement with the agency. To close the "undeclared facilities" loophole, the IAEA initiated a safeguards improvement plan known as "Program 93+2." The plan's name reflected the fact that it was drafted in 1993 with the intention of being implemented in two years.

Putting "Program 93+2" into effect, however, took more time than expected, and the program has subsequently been implemented in two parts. The IAEA, within its existing authority, initiated the first part in January 1996. This first step added new monitoring measures, such as environmental sampling, no-notice inspections at key measurement points within declared facilities, and remote monitoring and analysis. The second part of "Program 93+2" required a formal expansion of the agency's legal mandate in the form of an Additional Protocol to be adopted by each NPT member to supplement its existing IAEA safeguards agreement. The IAEA adopted a model Additional Protocol on May 15, 1997.

#### The Additional Protocol

The essence of the Additional Protocol is to reshape the IAEA's safeguards regime from a quantitative system focused on accounting for known quantities of materials and monitoring declared activities to a qualitative system aimed at gathering a comprehensive picture of a state's nuclear and nuclear-related activities, including all nuclear-related imports and exports. The Additional Protocol also substantially expands the IAEA's ability to check for clandestine nuclear facilities by providing the agency with authority to visit any facility-declared or not-to investigate questions about or inconsistencies in a state's nuclear declarations. NPT states-parties are not required to adopt an Additional Protocol, although the IAEA is urging all to do so.

The model protocol outlined four key changes that must be incorporated into each NPT state-party's Additional Protocol.

- First, the amount and type of information that states will have to provide to the IAEA is greatly expanded. In addition to the current requirement for data about nuclear fuel and fuel-cycle activities, states will now have to provide an "expanded declaration" on a broad array of nuclear-related activities, such as "nuclear fuel cycle-related research and development activities-not involving nuclear materials" and "the location, operational status and the estimated annual production" of uranium mines and thorium concentration plants. (Thorium can be processed to produce fissile material, the key ingredient for nuclear weapons.) All trade in items on the Nuclear Suppliers Group (NSG) trigger list will have to be reported to the IAEA as well. The NSG is a group of 45 nuclear supplier countries that seeks to voluntarily prevent the use of peaceful nuclear technology for military purposes by restricting nuclear and nuclear-related exports.
- Second, the number and types of facilities that the IAEA will be able to inspect and monitor is substantially increased beyond the previous level. In order to resolve questions about or inconsistencies in the information a state has provided on its nuclear activities, the new inspection regime provides the IAEA with "complementary," or pre-approved, access to "[a]ny location specified by the Agency," as well as all of the facilities specified in the "expanded declaration." By negotiating an Additional Protocol, states will, in effect, guarantee the IAEA access on short notice to all of their declared-and, if necessary-undeclared facilities in order "to assure the absence of undeclared nuclear material and activities."
- Third, the agency's ability to conduct short notice inspections is augmented by streamlining the visa process for inspectors, who are guaranteed to receive within one month's notice "appropriate multiple entry/exit" visas that are valid for at least a year.
- Fourth, the Additional Protocol provides for the IAEA's right to use environmental sampling during inspections at both declared and undeclared sites. It further permits the use of environmental sampling over a wide area rather than being confined to specific facilities.

## Status

The United States signed an Additional Protocol to its IAEA safeguards agreement in 1998 and ratified it in March 2004. However, the United States has not yet adopted the necessary implementing legislation for the Additional Protocol to become law. President George W. Bush transmitted the protocol to the Senate for its advice and consent on May 9, 2002. In his transmittal letter, Bush wrote that U.S. ratification of an Additional Protocol will “greatly strengthen our ability to promote universal adoption”

of Additional Protocols, which “will contribute significantly to our nonproliferation objectives.” The United States is currently encouraging Iran to ratify its Additional Protocol after Tehran signed it in December 2003. The IAEA had reported a month before that Iran had repeatedly violated its earlier safeguards.

As of July 14, 2006, 76 NPT states-parties have concluded Additional Protocols that are now in force. Another 33 states-parties have signed Additional Protocols. For details see the IAEA Web site at: [http://www.iaea.org/OurWork/SV/Safeguards/sg\\_protocol.html](http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html).