TIME FOR A COMPREHENSIVE FISSILE MATERIAL TREATY

Greenpeace is calling for Comprehensive Fissile Material Treaty. A CFMT that bans the further production of fissile materials for nuclear weapons is urgently needed in order to:

- Restart negotiations on further nuclear arms control and disarmament measures - without a CFMT there is unlikely to be any progress in nuclear arms control and disarmament;
- Control the spread of nuclear weapons to countries that do not now have them;
- Stop the production, transport and use of plutonium and associated nuclear fuel and waste;
- Put weapon-usable fissile materials stocks, from both military and civil programs under international safeguards;
- Reduce the risk of nuclear terrorism.

After years without formal fissile materials negotiations and the discouraging lack of progress in international nuclear disarmament, prospects for the opening of talks on a Fissile Material Treaty at the Conference on Disarmament (CD) are better in 2006 than at any time since the mid-1990s.

For Greenpeace, waiting 60 years to negotiate a narrow, flawed, and ultimately ineffective Treaty is unacceptable. In the thirteen years since the 1993 General Assembly (GA) resolution called for a Treaty, stocks of plutonium than can be used directly in nuclear weapons have doubled; surpassing those contained in all nuclear weapons programs. If the Treaty is to be worthwhile, it must be both a disarmament and non-proliferation initiative, addressing the vast stockpiles of weapons-useable material located around the world. For Greenpeace, the only effective solution is a Comprehensive Fissile Material Treaty (CFMT).

Greenpeace offers the model treaty hereunder as the basis for discussion to address the questions critical to the feasibility and functioning of a Comprehensive Fissile Materials Treaty.

The Greenpeace draft Comprehensive Fissile Material Treaty takes into account the fact that all plutonium, including that produced in civil nuclear reactors, can be used to produce effective nuclear weapons. This comprehensive treaty would cover all weapon-usable fissile materials: plutonium of all isotopic compositions, except plutonium containing more than 80 per cent of the isotope plutonium-238; uranium enriched to over 20 per cent in the isotope uranium-235; and uranium-233. Unless a Comprehensive Fissile Material Treaty includes all weapon-usable fissile materials, including civil stocks, it will be ineffective and contrary to effective non-proliferation and nuclear disarmament.

Under the attached draft Fissile Material Cut-off Treaty drafted by Greenpeace International, each State Party is committed:

- Not to undertake the separation or processing of plutonium or the production or processing of highly-enriched uranium (meaning the enrichment of uranium to any level above 20 per cent in the isotope uranium-235);
- To put all existing stocks of weapon-usable fissile materials under international control;
- Not to encourage the separation or processing of plutonium, or the enrichment of uranium to any level above 20 per cent in the isotope uranium-235, or to supply others with weapon-usable fissile materials; and
- To submit all its separation, processing or storage facilities to international verification.

Background

Since 1945, a huge amount of plutonium has been produced – a total of about 1,500 tonnes. Approximately 250 tonnes of this plutonium were produced for use in nuclear weapons. The other 1,250 tonnes are "civil" plutonium, produced as an inevitable by-product by civilian nuclear power reactors while they are generating electricity. The amount of civil plutonium is increasing significantly. Since the General Assembly called for fissile material controls in 1993, global commercial stocks of reprocessed or separated plutonium have nearly doubled from 147 tonnes. As of late 2004 there were 1600 tons of plutonium in commercial stockpiles, and 260 tons of plutonium in military stockpiles.[1] Most of this plutonium was located in the UK, France and Russia all declared nuclear weapon states.[2] This alarming growth underscores the urgency of a real and effective CFMT.

The world's nuclear power reactors (442 are operating in 32 countries) are producing an additional 70 tonnes of plutonium per year. Japan's stock rose from less than 10 tons in 1990, to over 38 tons.[3] The single greatest threatened source of plutonium is Japan's proposed reprocessing plant at Rokkasho-mura, scheduled to open in April 2006. This facility will produce as much as 6-7 tons in each year of operation. Within the first ten years of operation, it is likely to separate 30-40 tons of plutonium.[4] A treaty to control these fissile materials is both urgent and long overdue.

The concept of a fissile material treaty was first suggested 55 years ago in the Baruch Plan. The Fissile Material Cut off Treaty (FMCT) concept was further advanced by President Dwight Eisenhower in his 'Atoms for Peace' speech at the UNGA, when he said: ***"The United States would seek more than the mere reduction or elimination of atomic materials for military purposes".***

During the 1960s, when the negotiations for the NPT were in progress, arms control measures that were identified as a priority included a ban on the production of fissile materials for military purposes. After 1978, resolutions calling for a ban on the production of fissile materials for nuclear weapons were passed by the General Assembly but there was little hope of progress while the Cold War continued.

When the Cold War ended, there was a widespread hope that the importance given by political leaders to nuclear weapons would dramatically decrease, and that there would be significant progress in nuclear disarmament leading to the abolition of nuclear weapons. The first step in this direction was to be a Comprehensive Test Ban Treaty (CTBT), closely followed by a ban on the

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[1] David Albright & Kimberley Kramer, "Fissile Material: Stockpiles Still Growing", Bulletin of the Atomic Scientist, November/December 2004, pp 14-16, Vol 60, No. 6, women_csd14and15-subscribe@yahoogroups.com

2 Other non-nuclear weapon states with commercial contracts with the plutonium industry and with access to significant quantities of fissile material are Belgium, the Netherlands, Switzerland, Sweden, Germany, Spain, Italy, and Canada.

3 Predicting the amount of plutonium in Japan's future stockpile is confused by the operational plans for the new US$20 billion plant. Full scale operation of the plant is unlikely in the first several years, with the prospects of major delays caused by technical problems and accidents are highly likely. However, the Government seems determined to maintain its policy. One suggestion is that the plant would operate at a maximum of 50% capacity, separating up 4 tons of plutonium each year. Like all aspects of Japan's controversial plutonium program, nothing so far has gone to plan, and despite shipping more than 2300kg of plutonium over the last 12 years from Europe, not one gram has been loaded into a nuclear reactor. Given the reality in North-east Asia, Japan's plutonium stockpile has to be seen in the context of North Korea's plutonium program (measured in the tens of kilograms at most), and China's nuclear weapons program.

4 The actual operation of Rokkasho-mura and therefore the amount of plutonium it will separate each year is at this stage impossible to know. Apart from many anticipated technical problems that will affect annual throughput, political and commercial decisions will also determine the amount of spent fuel actually reprocessed each year. If the plant were to operate without major incident, it can expected that in year one throughput of spent fuel from 50-100 tons will rise to full operation in year 4 or 5. Thus actual plutonium separation in the first few years will be around 1-2 metric ton.

production of fissile materials for use in nuclear weapons, to be negotiated at the Conference on Disarmament (CD) in Geneva.

Unfortunately, this was not to be. The CTBT remains stalled and new nuclear weapons development is now on the agenda to an extent reminiscent of the Cold War.

With the end of the Cold War and the perceived need to make progress in arms control, the concept of controlling fissile material was given renewed impetus by U.S. President Clinton. In his speech to the General Assembly in September 1993 he said: ***"We will pursue new steps to control the materials for nuclear weapons. Growing global stockpiles of plutonium and highly enriched uranium are raising the danger of nuclear terrorism in all nations. We will press for international agreement that would ban production of these materials for ever."***

In 1993, General Assembly Resolution 48/75L recommended the negotiation of an international non-discriminatory, multilateral, and effectively verifiable treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. The treaty described in the Resolution would ban production but remains silent on existing stocks of fissile materials.[5]

The Shannon Mandate

On 25th January 1994, the members of the CD in Geneva agreed to appoint a Special Co-ordinator to ***"seek the views of its members on the most appropriate arrangement to negotiate"*** an FMCT. It was soon apparent to the Special Co-ordinator, Canadian Ambassador Shannon, that a crucial political issue was the scope of the FMCT. Would it include the past production as well as the future production of fissile materials for nuclear weapons and what about commercial fissile material programs?

By 1995 with pressure mounting in the run up to the NPT Review and Extension Conference, no agreement had been reached on the scope of negotiations. For Ambassador Shannon, the differing views of CD states on the issue of scope, and the fact that he could not reach agreement, required some qualification to the official mandate that would allow states to reach consensus without compromising their policy. The key phrase of Shannon was: ***"It has been agreed by delegations that the mandate for the establishment of the ad hoc Committee does not preclude any delegation from raising for consideration in the ad Hoc Committee any of the above noted issues. Delegations with strong views were able to join consensus so we could all move forward on this issue. This means that an Ad Hoc Committee on Cut-Off can be established and negotiations can begin on this important topic. This has for some time been the common objective of all delegations of this Conference.***[6]

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[5] As defined in UN Resolution 48/75L a treaty banning the production of fissile materials would cover the production of weapon-grade plutonium (plutonium containing more than 93 per cent of the isotope plutonium-239), weapon-grade highly-enriched uranium (uranium enriched to over 90 per cent uranium-235), and uranium-233 for nuclear weapons or other nuclear explosive devices, or outside of international safeguards.

[6] The full preamble states "During the course of my consultation, many delegations expressed concerns about a variety of issues relating to fissile material, including the appropriate scope of the convention. Some delegations expressed the view that this mandate would permit consideration in the Committee only of the future production of fissile material. Other delegations were of the view that the mandate would permit consideration not only of future but also of past production. Still others were of the view that consideration should not only relate to production of fissile materials (past or future) but also to other issues, such as the management of such material. It has been agreed by delegations that the mandate for the establishment of the ad hoc Committee does not preclude any delegation from raising for consideration in the ad Hoc Committee any of the above noted issues". See, "Report of Ambassador Gerald E. Shannon of Canada on Consultations on the Most Appropriate Arrangement to Negotiate a Treaty Banning the Production of Fissile Material for Nuclear Weapons or Other Nuclear Explosive Devices, CD/1299, 24 March 1995. The urgent need for agreement on a mandate was that the 1995 Review and Extension Conference of the NPT was looming within weeks and without agreement on one of the key disarmament objectives prospects for the nuclear weapons states securing indefinite

It is therefore clear that the scope of negotiations is not limited in the Shannon Mandate.

The 2001 U.S. Nuclear Policy Statement describes the role of nuclear weapons well into the future, not as part of a nuclear deterrent policy but as part of America's war-fighting strategy. Similar 'new' strategies for nuclear weapons are emerging in the UK and France. At the same time, stocks of fissile materials continue to grow.

China, feeling vulnerable due to the United States missile defence initiative, and in light of a perceived possible need to consequently increase its strategic nuclear arsenal, has in the past linked its agreement to allow fissile material negotiations to begin to agreement negotiate on an agreement on prevention of an arms race in outer space (PAROS).[7]

The A-5 proposal of five former CD Presidents in June of 2003 presented an opportunity to break the link, and China and Russia's acceptance of the proposal in August signalled a move forward.[8] However, the Bush Administration announced in July 2004 that while the United States supported a legally binding fissile material treaty, it no longer supported including verification measures in such a treaty. This new position further complicated negotiations and made conclusion of a fissile material treaty even more difficult.[9]

Against the backdrop of stalemate in the CD on this issue, both U.S. President Bush, and IAEA Director-General ElBaradei have cited the threat from fissile materials proliferation as an issue requiring radical steps.

As far as the U.S. position is concerned, little real substance has yet emerged. In February 2004, President Bush called for greater efforts to stop countries from acquiring nuclear enrichment and reprocessing technology under the guise of building civilian power facilities. Under the Bush plan, nuclear fuels containing fissile materials could continue to be exported to advanced countries that already have facilities for enriching uranium and extracting plutonium, or programs to load the fuel in reactors (such as MOX fuel) but be denied to those that hope to build such facilities in the future. Thus countries would be obliged to abandon these projects and rely on advanced countries to supply nuclear fuel containing only low enriched uranium, which is not weapons-usable.[10]

Of course this policy is consistent with the decades-long record of the U.S. non-proliferation policy that is inconsistently applied, discriminatory, and therefore ultimately flawed. A clear example is U.S. sanction of the growth of Japan's plutonium program despite its regional and global proliferation implications.

The IAEA Director-General has also stepped up calls for greater controls over fissile materials. Motivated by a sense of the inevitability of terrorists acquiring and using fissile materials, as well as the on-going revelations of the scale of proliferation in such countries as Iran, Pakistan, and even Libya, ElBaradei is trying to go further than Bush. In a hark back to the 1970's debate on

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extension would be less. In the end, indefinite extension was secured despite widespread opposition amongst the non-aligned group of nations. Of course since 1995 no formal negotiations have begun on a fissile material treaty.

[7] See Hui Zhang, "A Chinese View on a Fissile Material Cut-off Treaty", *Journal of Nuclear Materials Management* 30, no. 4 (2002).

[8] See a discussion of negotiations by Jean du Preez in "The Future of a Treaty Banning Fissile Material for Nuclear Weapons Purposes: is it Still Relevant," in no .9 WMDC, at http://www.wmdcommission.org/files/No9.pdf.

[9] See a discussion of verification issues by NTI in "Ending Further Production: Fissile Material Cutoff Treaty," at http://www.nti.org/e_research/cnwm/ending/fmct.asp.

[10] Bush pushes for effort to stop spread of WMDs President Bush calls for tougher action against dangerous regimes, terror groups seeking WMDs, Associated Press, Washington, 11 February 2004.

international plutonium storage and management (under the IAEA and the even earlier Baruch plan), the IAEA Director wants to put facilities capable of enriching uranium and extracting plutonium under international control. But some countries that are advanced in nuclear development and which are trying to press ahead with plutonium fuel recycling projects of their own, in particular Japan, are opposed to his plan.[11] While the Director-General is to be congratulated for raising the threat posed by commercial plutonium and enrichment programs, so long as the IAEA continues to promote the nuclear fuel cycle, including the development of fast reactors and use of plutonium MOX fuels as it is currently doing, his words will remain hollow and in stark contrast to IAEA practice.

Recognizing the threat posed by fissile materials is to be welcomed, but as we have seen, it's nothing new. At the birth of the nuclear age wise heads were warning of the threat posed by these materials. Both the U.S. and the IAEA bear a large responsibility for the vast amounts of fissile materials now threatening global peace and security.

Unfortunately, from what is understood of both the U.S. and the IAEA plans, they will not make significant reductions in the growth of fissile material stocks, nor challenge those states in possession of the vast bulk of stocks of weapons-useable material. A more comprehensive approach is long overdue. We must move beyond business-as-usual and finally – and effectively – control fissile materials if we are to advance true peace and security worldwide.

Ten Years Without Progress

Despite securing a mandate, no formal negotiations have taken place since 1995. In fact, no progress on discussions in the CD about a FMT was made until after the Indian and Pakistani nuclear-weapon tests three years later. Until then, a number of CD members, mainly from the non-aligned, wanted the negotiation of a FMT to be linked with discussions of a phased timetable of nuclear disarmament. The established nuclear-weapon powers consistently refused to agree to such a link. But the most serious obstacle to getting the treaty negotiations underway were conflicts over how to deal with existing military stockpiles of fissile materials.[12]

With regard to the scope of a fissile material treaty, the nuclear weapon states and most of their allies support only a narrowly defined treaty that would simply ban future production of fissile material for nuclear weapons – hence the Fissile Material "Cut-off" Treaty (FMCT). Their position is hardly surprising given the fact that they have spent most of the past half-century creating vast stocks of both plutonium and highly enriched uranium, more than sufficient for tens of thousands of nuclear weapons, but then largely stopped production as of the mid 1990's.

In the post-Cold War world, the five nuclear weapons states in the NPT have regarded a FNCT predominantly as a non-proliferation measure, and not as a disarmament measure. These states have produced their fissile materials over the course of the past 50 years, so a cut-off in the 1990s and beyond would merely restrict emerging nuclear states from increasing their comparatively small stocks of fissile materials. Such a cut-off would not affect their own vast stocks of military materials, nor would it restrict their options for how to use these materials in future military programs.

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[11] "Profound discussions are needed to make world safer," The Asahi Shimbun, Feb. 16th (IHT/Asahi: February 17th, 2004)

[12] The attitudes of India, Pakistan and Israel to the negotiation of a FMCT are, to say the least, very important. Pakistan has announced its willingness to agree to the negotiation of a FMCT at the CD but wants stocks to be included. Other non-nuclear weapon states have also reiterated the need for stocks to be included in a future Treaty. The five established nuclear-weapon states and India and Israel want stocks to be excluded. Israel agreed to the commencement of negotiations but stated that it **"reserved its position on the substance"** of the issues negotiated.

Even with the use of some plutonium in the form of mixed oxide fuel (MOX) for nuclear reactors, this growth of weapons-usable fissile excess stocks will only continue over the next decade. In particular, continued reprocessing in France, the UK and Russia will result in an increase of total global plutonium by a further 85 tons. In the case of the UK and France, this includes plutonium belonging to Japan, Germany, the Netherlands, Canada, Spain, Switzerland and Italy. At this scale of growth, almost unbelievably, global stocks of commercial plutonium will increase by more than 50% over that produced by all nuclear weapon states during the entire 50 years of the Cold War.

Disarmament efforts have failed to address the underlying and fundamental dilemma posed by the so-called "inalienable right" to nuclear energy, which generates the very materials required for nuclear weapons. Until this paradox is addressed, it threatens to thwart any real progress on nuclear disarmament.

We cannot free the world of nuclear weapons if we are not prepared to think beyond the immediate and the feasible and the incremental.

We cannot free the world of nuclear weapons if we refuse to break out of prevailing, out-dated Cold War thinking and narrow national interests.

We cannot free the world of nuclear weapons in the absence of an international security environment that truly favours cooperation and the pursuit of global interests.

Only through real and comprehensive nuclear disarmament that includes a complete ban of the production of fissile materials will we achieve a world and a future free from the threat of nuclear weapons.

TREATY BANNING THE PRODUCTION OF FISSILE MATERIALS FOR NUCLEAR WEAPONS AND OTHER NUCLEAR EXPLOSIVE DEVICES

PREAMBLE

The States Parties to this Treaty,

Desiring to contribute to the fulfilment of the purposes and principles of the Charter of the United Nations,

Determined to make significant progress towards general and complete disarmament under strict and effective international verification, particularly rapid progress towards a Convention on the total abolition of nuclear weapons,

Recalling General Assembly resolution 48/75L of 16 December 1993, which recommended the negotiation of a non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices,

Noting that all separated fissile materials can be used to fabricate nuclear weapons and other nuclear explosives,

Convinced that the complete and effective prohibition of the production and processing of fissile materials for nuclear weapons or other nuclear explosive devices represents an essential step towards the achievement of their common objectives,

Have agreed as follows:

ARTICLE I
Definitions and Scope

1. For the purposes of this Treaty:

(a) "Fissile material" means an isotope whose nucleus readily fissions after absorbing a slow (thermal) neutron, emitting 2 or 3 neutrons, and includes uranium-235, plutonium-239 and uranium-233.

(b) "Weapon-usable" fissile material means a fissile material that can be used to fabricate effective nuclear explosives.

(c) "Weapon-usable plutonium" means plutonium of all isotopic compositions, with the exception of plutonium containing more than 80 per cent of the isotope plutonium-238.

(d) "Weapon-usable uranium" or “highly enriched uranium” means uranium enriched to more than 20 per cent in the isotope uranium-235.

(e) “Production" means the production of fissile materials in designated plutonium-production reactors, uranium-enrichment plants or any other production facility.

(f) "Separation” of plutonium means the chemical, laser, and any other separation of plutonium from nuclear reactor fuel elements.

(g) "Processing" means all activities involved in the handling of and operations with weapon-usable fissile materials, including all fabrication of plutonium-fuel elements and all nuclear activities and operations involved in manufacturing nuclear weapons or other nuclear explosives from weapon-usable fissile materials.

(h) "Enrichment plant" means a facility used to increase the proportion of uranium-235 in natural uranium above 0.7 per cent.

(i) "Laser isotope separation" means an enrichment process in which desired isotopes are separated by differentially exciting a vapour gas with a laser.

(j) "Controlled storage," means the storage of weapon-usable fissile material under the international verification system defined in Article IV.

(k) “Fuel elements” means material containing weapons usable plutonium or weapons usable uranium.

2. A list of some of the production, separation and processing facilities to which this Treaty shall apply appears in Annex II.

ARTICLE II
General Obligations

1. No State Party shall undertake the separation or processing of weapon-usable plutonium.

2. No State Party shall undertake the production or processing of highly-enriched uranium**.**

3. No State Party shall allow any activity described in paragraphs 1 or 2 of this Article to take place at any place under its jurisdiction or control or facilitate any such activity or permit any person on its territory or under its jurisdiction or control to undertake or facilitate any such activity.

4. No State Party shall supply or permit the supply or export of weapon-usable fissile materials to any State.

5. No State Party shall permit the transit of weapons-usable fissile materials through its territory or airspace or through waters under its jurisdiction.

6. Each State Party shall submit all existing stocks of weapon-usable fissile materials under its jurisdiction or control to international verification and control according to Article IV.

7. Each State Party undertakes to submit all facilities owned, possessed or operated by it, or located in any place or operated by any person under its jurisdiction or control, and which have been used, or which are capable of being used, for the separation or processing of plutonium, or the enrichment of uranium to any level above 20 per cent in the isotope uranium-235 or the processing of such material, or which have been used for the storage of any of these materials to international verification according to Article IV.

ARTICLE III
Production, Separation, Processing and Storage Facilities

1. Each State Party immediately shall cease all activity prohibited by this Treaty, with the exception of essential activity required for the closure of the facilities listed in Annex I.

2. No State Party shall construct any new production, separation or processing facility or modify any facility that has been used for any activity prohibited by this Treaty for any purpose other than the discontinuation of activities prohibited by this Treaty.

3. Each State Party shall:

(a) Shut down, in accordance with Article IV, no later than 60 days after this Treaty enters into force, all facilities which have been used or could be used for the production, separation or processing of weapon-usable fissile material and give notice thereof to the Organization;

(b) Submit its existing storage facilities to international verification according to Article IV; and

(c) Provide access to such facilities for the purpose of the application of the international verification system set out in Annex II in order to ensure that the facilities remain shut down and are subsequently decommissioned according to the timeframe set by the Commission.

ARTICLE IV
The Organisation

1. The States Parties to this Treaty hereby establish the Comprehensive Fissile Material Treaty Organisation (hereafter referred to as "the Organisation") to achieve the objective and purpose of this Treaty, to ensure the implementation of its provisions, including those for international verification of compliance, and to provide a forum for consultation and cooperation.

2. The seat of the Organisation shall be The Hague.

3. The Organisation, as an independent body, shall seek, where practicable, to utilize use existing expertise and facilities, as appropriate, and seek to maximize cost efficiencies, through cooperative arrangements with other international organizations (such as the International Atomic Energy Agency). Such arrangements shall be set out in agreements to be submitted to the Conference of the States Parties for approval.

4. The Organisation shall verify that all production, separation and processing facilities within the territory, jurisdiction or control of each State Party to this Treaty are shut down and do not produce, separate or process fissile materials in violation of Article II. The Organisation shall control the storage of weapon-usable fissile materials but shall devolve responsibility for the verification of other nuclear facilities, such as nuclear-power reactors, to the International Atomic Energy Agency.

5. All States Parties to this treaty shall be members of the Organisation.

6. The costs of the Organisation's activities shall be paid by States Parties to this treaty in accordance with the United Nations scale of assessment adjusted to take into account differences in membership between the United Nations and the Organisation.

7. There are hereby established as the organs of the Organisation: the Conference of Member States, the Council, the Technical Secretariat, and the International Data Centre. The composition and principal powers of the organs shall be as laid down in the following provisions.

8. The Organisation shall adopt its rules of procedure. Such rules may include provisions concerning the number of terms of office, which its officers may serve, and for the rotation of such offices.

9. The Commission may establish such subsidiary bodies as are necessary for the performance of its functions.

10. The Commission may decide to establish a permanent headquarters.

11. The Commission shall have legal personality and shall enjoy in the territory of each Party such legal capacity as may be necessary to perform its functions and achieve the objectives of this Convention.

12. The privileges and immunities to be enjoyed by the Organization, the Secretariat and representatives attending meetings in the territory of a Party shall be determined by agreement between the Organisation and the Party concerned.

ARTICLE V
The Conference of Member States

1. The Conference of Member States ("the “Conference") shall be the principal organ of the Organisation. It shall be composed of all the members of the Organisation. Each Member shall have one representative in the Conference.

2. The Conference shall:
   (a) Oversee the implementation of this Treaty and review compliance with its provisions;
   (b) oversee the activities of the Council and the Technical Secretariat;
   (c) elect the members of the Council; and
   (d) appoint the Director of the Technical Secretariat.

ARTICLE VI
The Council

1. The Council shall be the executive organ of the Organisation. It shall be accountable to the Conference and shall carry out the functions entrusted to it under this Treaty. In particular, it shall supervise the activities of the Technical Secretariat.

2. The Council shall consist of 24 members elected by the Conference for two-year terms with due regard to equitable geographical distribution. Twelve members shall be chosen from among those States Parties to this treaty which have produced the largest stocks of weapon-usable fissile materials and the other twelve members shall be chosen from those State Parties which have produced no weapon-usable fissile materials.

3. The Organisation shall conclude a Comprehensive Verification Agreement with each State Party to this Treaty. The Council shall determine the content of such Agreements, which shall include an undertaking by the State concerned to accept international verification in respect of all its facilities covered by Article II (5) of the Treaty.

ARTICLE VII
The Technical Secretariat and the International Data Centre

1. The Technical Secretariat ("the “Secretariat) shall assist the Conference and the Council in the performance of their duties and shall carry out the verification and other functions entrusted to it by this Treaty, as well as those functions delegated to it by the Conference or the Council in accordance with this Treaty.

2. The Secretariat shall be headed by the Director, who shall be appointed for a four-year term by the Conference on the recommendation of the Council.

3. The Director shall appoint the staff of the Secretariat and shall establish the rules to be followed by the Organisation's inspectors.

4. The Director shall communicate to all States Parties to this treaty the inspectors' names, nationalities and ranks.

5. The Secretariat shall include the International Data Centre.

6. In discharging its responsibilities for verification as specified in this Treaty, in cooperation with the States Parties, the Secretariat shall:

(a) Make arrangements to receive and distribute data and reports relevant to verification of compliance with this Treaty in accordance with its provisions;

(b) Through its International Data Centre, which shall be the focal point within the Secretariat for data storage and data processing:

(i) Receive and initiate requests for data;

(ii) Receive data resulting from the process of consultation and clarification, from on-site inspections and from confidence-building measures; and

(iii) Receive other relevant data from States Parties and international organisations in accordance with this Treaty.

(c) Process, analyse and report on data according to agreed procedures so as to permit the effective verification of compliance with this Treaty and to contribute to the timely resolution of any concerns.

ARTICLE VIII
National Implementing Measures

Each State Party to this treaty shall, in accordance with its constitutional processes, adopt the necessary measures to implement the treaty. In particular, it shall:

(a) Prohibit natural and legal persons anywhere on its territory or in any place under its jurisdiction or control, and all persons possessing its nationality and vessels flying its flag, from undertaking any activity prohibited by this Treaty;

(b) Not permit in any place under its jurisdiction or control any activity prohibited by this Treaty;

(c) Enact penal legislation with respect to all activities prohibited by this Treaty; and

(d) Extend such legislation, in conformity with international law, to any activity prohibited by this Treaty undertaken anywhere by persons possessing its nationality and to vessels flying its flag.

ARTICLE IX
Settlement of Disputes

1. Disputes that may arise concerning the application or interpretation of this Treaty shall be settled in accordance with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more State Parties to this treaty, or between one or more States Parties and the Organisation, relating to the application or interpretation of this Treaty, a State shall following notification by another State shall consult with other State or States concerned with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the Parties' choice.

3. If expeditious settlement cannot be reached within thirty days of the first notification by a party, the dispute shall be referred to the International Court of Justice for binding determination in conformity with the Statute of the Court. The States Parties involved shall keep the Council informed of actions being taken under this Article.

ARTICLE X
Duration

1. This Treaty shall be of unlimited duration.

ARTICLE XI
Status of Annexes

The Annexes shall form an integral part of this Treaty. Any reference to this Treaty shall include the Annexes.

ARTICLE XII
Signature

This Treaty shall be open to all States for signature before its entry into force.

ARTICLE XIII
Ratification

This Treaty shall be subject to ratification by signatory States.

ARTICLE XIV
Accession

Any State which does not sign this Treaty before its entry into force may accede to it at any time thereafter.

ARTICLE XV
Entry into force

1. This Treaty shall enter into force thirty days after the date of the deposit of the thirtieth instrument of ratification.

2. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the 30th day following the date of deposit of their instrument of ratification or accession.

ARTICLE XVI
Reservations

No reservations shall be made to this Treaty.

ARTICLE XVII
Depositary

The Secretary-General of the United Nations is hereby designated as the depositary of this Treaty. He shall, *inter alia*:

(a) Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of entry into force of this Treaty;

(b) Transmit duly certified copies of this Treaty to the Governments of all signatory and acceding States; and

(c) Register this Treaty pursuant to Article 102 of Charter of the United Nations.

ARTICLE XVIII
Authentic texts

This Treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorised to that effect, have signed this Treaty.

Done at [Geneva] on the [xx] day of [xxxx], two thousand and xxxxx.

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ANNEX I
VERIFICATION

1. The Organisation shall ensure that all facilities and materials are verified in accordance with this Treaty. For this purpose it shall send inspectors into the facilities designated in Annex II.

2. Methods used by the Organisation to monitor compliance with the Treaty shall include: declarations, material accountancy, operating records, containment, surveillance, third party information and inspections.

3. Inspections may be ad hoc, routine or challenge. The legal basis of the Organisation's right to make challenge inspections shall be the Comprehensive Verification Agreements referred to in Article VI(3) of the Treaty.

4. An initial inspection shall be made promptly after a facility has been declared. Thereafter, inspections shall be conducted at least once a year. A minimum of 24 hours' notice of an ad hoc or routine inspection shall normally be given to the State party concerned.

5. The Director shall transmit inspection reports to the Conference of Member States and shall inform the Council of all cases of non-compliance with the Treaty. In the event of non-compliance, the Council shall call upon the State Party concerned to fulfil its obligations under the Treaty within thirty days and shall report all breaches of the Treaty to the Security Council of the United Nations.