ADDITIONAL PROTOCOL

The Additional Protocol is a legal document negotiated between the International Atomic Energy Agency (IAEA) and an individual state granting the IAEA further inspection authority to that provided in that state’s Comprehensive Safeguards Agreement with the IAEA. The Additional Protocol aims to enable the IAEA inspectorate to provide assurance about both declared and possible undeclared activities and to get a more complete picture of a state’s overall nuclear program. Under the Protocol, the IAEA is granted expanded rights of access to information and sites.

Nuclear Weapons States (NWS) have repeatedly called for universal adherence to the Additional Protocol and have issued working papers during the NPT review process arguing that implementation of the Additional Protocol should become a key standard by which to measure an NPT States Party’s commitment to the Treaty.

Non-Nuclear Weapons States (NNWS), unlike NWS, are subject to comprehensive IAEA safeguards under Article III of the NPT. Some NNWS take the position that the comprehensive IAEA safeguards are sufficient to prevent nuclear proliferation, and that requiring the Additional Protocol as well is unnecessary and burdensome. Some countries in the Middle East, such as Egypt, have also refused to implement the Additional Protocol or undertake additional nonproliferation obligations until Israel signs on to the NPT and/or agrees to a nuclear-weapon-free zone in the region.

Background:

The international call for an Additional Protocol emerged out of the IAEA’s failure to detect Iraq’s efforts to develop weapons of mass destruction (WMDs) prior to the 1991 Persian Gulf War. It was discovered that Iraq had violated its NPT safeguards agreement by building nuclear facilities and failing to declare them to the IAEA. In addition, the IAEA discovered in 1992 that North Korea had diverted plutonium from its civilian program at a declared reactor but had hidden these activities when IAEA inspectors were present. The ease with which Iraq and North Korea were able to so demonstrated the shortcomings of existing NPT safeguards, as these safeguards allow the IAEA to inspect only declared facilities and materials and only certain areas of these facilities.

The IAEA subsequently adopted ‘Program 93+2’, which sought to prevent the diversion of declared materials and to detect undeclared materials. The program called for a legally binding protocol to supplement existing safeguards agreements and dramatically expand the scope of IAEA inspections. This became the Additional Protocol.

Measures under the Additional Protocol: While every Additional Protocol is negotiated between the state and the IAEA, and is individually tailored, there are several main aspects that remain constant. States that have signed Additional Protocol Agreements with the IAEA agree to provide the IAEA information about, and IAEA inspector access to, all parts of a State’s nuclear fuel cycle—including uranium mines, fuel fabrication and enrichment plants, and nuclear waste sites—as well as to any other location where nuclear material is or may be present.

States also agree to provide information on, and IAEA short-notice access to, all buildings on a nuclear site. The Protocol provides for IAEA inspectors to have “complementary” access to assure the absence of undeclared nuclear material or to resolve questions or inconsistencies in the information a State has provided about its nuclear activities. Advance notice in most cases is at least 24 hours. The advance notice is shorter—at least two hours—for access to any place on a site that is sought in conjunction with design information verification or ad hoc or routine inspections at that site. The activities carried out during complementary access could include examination of records, visual observation, environmental sampling, utilization of radiation detection and measurement devices, and the application of seals and other identifying and tamper-indicating devices.

States also agree to allow the IAEA to collect environmental samples at locations beyond declared locations when deemed necessary by the Agency. Wider area environmental sampling would require IAEA Board approval of such sampling and consultations with the State concerned.
Furthermore, states give the IAEA the right to make use of internationally established communications systems, including satellite systems and other forms of telecommunication.

States also agree to accept IAEA inspector designations and to issue multiple entry visas (valid for at least one year) for inspectors.

States also agree to provide the IAEA with information about, and IAEA verification mechanisms for, any research and development activities related to the nuclear fuel cycle.

Finally, States agree to provide the IAEA with information on the manufacture and export of sensitive nuclear-related technologies, and IAEA verification mechanisms for manufacturing and import locations in the State.

**Model Additional Protocol issued by the IAEA**

**Unique Additional Protocols:**

All five nuclear weapon states and India have in place Additional Protocols that vary significantly from the Model Additional Protocol issued by the IAEA.

**United States:** As a nuclear weapon state (NWS), the United States is not required to accept comprehensive safeguards under the NPT, nor to declare any nuclear activities. The Additional Protocol (INFCIRC/288.1) expands the United States-IAEA Safeguards Agreement to include mines and other locations without nuclear materials. However, the United States’ Additional Protocol is limited to civilian nuclear facilities and excludes activities with direct national security significance. In addition, the United States maintains the right to decide when/where to apply managed access procedures. Although the United States Additional Protocol is otherwise very similar to the Model Additional Protocol, its purpose is very different: Rather than enabling the IAEA to detect undisclosed nuclear activities or non-compliance with the NPT, the United States Additional Protocol “serves to ‘assist [the IAEA] in developing the procedures, tools, and techniques that will strengthen the capability of the [IAEA] to detect undeclared nuclear activities in NNWS.’”

**United Kingdom and France:** The Additional Protocols for both the UK and France are designed to assist the IAEA in detecting undeclared nuclear activities in NNWS. Unlike the United States, neither have a national security exemption. Both Protocols generally reflect the Model Additional Protocol, but only apply in cases where activities have links to NNWS.

**Russia and China:** Both countries’ Additional Protocols do not allow IAEA inspectors physical access to any facilities. Under their respective Additional Protocols, both countries are required to provide information on nuclear imports and exports to and from NNWS, and on activities in cooperation with NNWS relating to the nuclear fuel cycle.

**India:** As a non-signatory to the NPT, India lacks the comprehensive safeguards that NNWS signatories to the NPT have. India’s Additional Protocol stipulates that only certain facilities are placed under safeguards. The Protocol only requires India to share information relating to nuclear-related exports, while the Model Additional Protocol includes the sharing of information on nuclear fuel-cycle-related research and development, nuclear-related imports, and uranium mining. India’s Additional Protocol also does not provide the IAEA with complementary access provisions, which allow the IAEA to inspect undeclared facilities. India’s Additional Protocol applies many of the voluntary safeguards provisions that exist for nuclear weapon states, although India is not recognized by the IAEA as a nuclear weapon state.

**STATUS OF ADDITIONAL PROTOCOLS**

**Number of APs in force:** 116 [+ Taiwan]

**APs signed:** 138

**APs approved but not yet signed:** 2

**Overall total of APs:** 140

**Of the 62 NNWS NPT Parties with significant nuclear activities:** 48 have APs in force

7 have signed
1 has an AP approved by Board but not yet signed
6 have not commenced negotiation of an AP.

**Note:** 1. “Significant nuclear activities” encompasses any amount of nuclear material in a facility or location outside facilities (LOF), or nuclear material in excess of the exemption limits in INFCIRC/153 paragraph 37.
2. States with significant nuclear activities are shown in bold.

States with Additional Protocols in Force:
Afghanistan: 19 Jul 05
Albania: 3 Nov 10
Andorra: 19 Dec 11
Angola: 28 Apr 10
Armenia: 28 Jun 04
Australia: 12 Dec 97
Austria: 30 Apr 04
Azerbaijan: 29 Nov 00
Bahrain: 20 Jul 11
Bangladesh: 30 Mar 01
Belgium: 30 Apr 04
Botswana: 24 Aug 06
Bulgaria: 01 May 09
Burkina Faso: 17 Apr 03
Burundi: 27 Sep 07
Canada: 8 Sep 00
Central African Rep: 7 Sep 09
Chad: 13 May 10
Chile: 3 Nov 03
China: 28 Mar 02
Colombia: 5 Mar 09
Comoros: 20 Jan 09
Congo, DR: 9 Apr 03
Congo, Rep: 28 Oct 11
Costa Rica: 17 Jun 11
Croatia: 6 Jul 00
Cuba: 3 Jun 04
Cyprus: 1 May 08
Czech Republic: 1 Oct 09
Denmark: 30 Apr 04
Dominican Republic: 05 May 10
Ecuador: 24 Oct 01
El Salvador: 24 May 04
Estonia: 1 Dec 05
Fiji: 14 Jul 06
Finland: 30 Apr 04
France: 30 Apr 04
FYROM: 11 May 07
Gabon: 25 Mar 10
Gambia: 18 Oct 11
Georgia: 3 Jun 03
Germany: 30 Apr 04
Ghana: 11 June 04
Greece: 30 Apr 04
Guatemala: 28 May 08
Haiti: 9 Mar 06
Holy See: 24 Sep 98
Hungary: 1 Jul 07
Iceland: 12 Sep 03
Indonesia: 29 Sep 99
Ireland: 30 Apr 04
Italy: 30 Apr 04
Jamaica: 19 Mar 03
Japan: 16 Dec 99
Jordan: 28 Jul 98
Kazakhstan: 9 May 07
Kenya: 18 Sep 09
Kuwait: 2 Jun 03
Kyrgyzstan: 10 Nov 11
Latvia: 1 Oct 08
Lesotho: 26 Apr 10
Libya: 11 Aug 06
Lithuania: 5 Jul 00
Luxembourg: 30 Apr 04
Madagascar: 18 Sep 03
Malawi: 26 Jul 07
Mali: 12 Sep 02
Malta: 1 Jul 07
Marshall Islands: 3 May 05
Mauritania: 10 Dec 09
Mauritius: 17 Dec 07
Mexico: 4 Mar 11
Moldova: 1 Jun 12
Monaco: 30 Sep 99
Mongolia: 12 May 03
Montenegro: 4 Mar 11
Morocco: 21 Apr 11
Mozambique: 1 Mar 11
Namibia: 20 Feb 12
Netherlands: 30 Apr 04
New Zealand: 24 Sep 98
Nicaragua: 18 Feb 05
Niger: 2 May 07
Nigeria: 4 Apr 07
Norway: 16 May 00
Palau: 13 May 05
Panama: 11 Dec 01
Paraguay: 14 Sep 04
Peru: 23 Jul 01
Philippines: 26 Feb 10
Poland: 1 Mar 07
Portugal: 30 Apr 04
Republic of Korea: 19 Feb 04
Romania: 1 May 10
Russia: 16 Oct 07
Rwanda: 17 May 10
Seychelles: 13 Oct 04
Singapore: 31 Mar 08
Slovakia: 1 Dec 05
Slovenia: 1 Sep 06
South Africa: 13 Sep 02
Spain: 30 Apr 04
Swaziland: 8 Sep 10
Sweden: 30 Apr 04
Switzerland: 1 Feb 05
Tajikistan: 14 Dec 04
Tanzania: 7 Feb 05
Turkey: 17 Jul 01
Turkmenistan: 3 Jan 06
Uganda: 14 Feb 06
Ukraine: 24 Jan 06
United Arab Emirates: 20 Dec 10
United Kingdom: 30 Apr 04
Uruguay: 30 Apr 04
United States: 6 Jan 09
Uzbekistan: 21 Dec 98

Djibouti: 27 May 10
Guinea: 13 Dec 11
Honduras: 7 Jul 05
India: 15 May 09
Iran: 18 Dec 03
Iraq: 9 Oct 08
Kiribati: 9 Nov 04
Liechtenstein: 14 Jul 06
Malaysia: 22 Nov 05
Moldova: 14 Dec 11
Namibia: 22 Mar 00
Senegal: 15 Dec 06
Serbia: 03 Jul 09
Thailand: 22 Sep 05
Timor-Leste: 6 Oct 09
Togo: 26 Sep 03
Tunisia: 24 May 05
Vietnam: 10 Aug 07
Zambia: 13 May 09

States with Additional Protocols approved by the IAEA Board, but not yet signed:

Algeria: 14 Sep 04
Vanuatu: 8 Sep 09

States with significant nuclear activities which have not commenced negotiation of an AP:

Argentina
Brazil
Democratic People’s Republic of Korea
Egypt
Israel
Pakistan
Syria
Venezuela