



Miscellaneous No. 8 (2014)

Protocol

to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia

New York, 6 May 2014

[The Protocol has not been ratified by the United Kingdom]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 2014*

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PROTOCOL TO THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

The Parties to this Protocol,

Recalling the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 November 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia"; and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Convinced of the need to take all steps in achieving the ultimate goal of a world entirely free of nuclear weapons and that all States are obliged to contribute to that goal,

Striving therefore to support the establishment of a Nuclear-Weapon-Free Zone in Central Asia,

Have agreed as follows:

ARTICLE 1

Negative Security Assurances

Each Party undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty on a nuclear-weapon-free zone in Central Asia (hereinafter referred to as "the Treaty").

ARTICLE 2

Not Contributing to Violations

Each Party undertakes not to contribute to any act that constitutes a violation of the Treaty or of this Protocol by Parties to them.

ARTICLE 3

Effect of Treaty Amendments

Each Party undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligations under this Protocol that may be brought about by the entry into force of amendments to the Treaty pursuant to Article 17 of the Treaty.

ARTICLE 4

Signature

This Protocol shall be open for signature by the People's Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

ARTICLE 5

Ratification

This Protocol shall be subject to ratification.

ARTICLE 6

Duration of and Withdrawal from the Protocol

1. This Protocol is of a permanent nature and shall remain in force indefinitely.
2. Any Party may, by written notification addressed to the Depositary, withdraw from this Protocol if it decides that extraordinary events, related to the subject-matter of this Protocol, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.
3. Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of this Protocol.

ARTICLE 7

Entry into Force

This Protocol shall enter into force for each Party on the date of its deposit with the Depositary of its instrument of ratification.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed this Protocol.

DONE at New York, this sixth day of May, 2014, in one original, in the Chinese, English, French and Russian languages, each text being equally authentic. The original of this Protocol shall be deposited with the Kyrgyz Republic.

DECLARATION

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Upon signature made the following interpretive statement.
(Original: English)

The Government of the United Kingdom believe that adherence to and compliance with international agreements seeking to prevent the proliferation of weapons of mass destruction are vital to the maintenance of world security.

1. The Government of the United Kingdom understand the obligations referred to in the second preambular paragraph of the Protocol in the context of the provisions of Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of 1 July 1968.

2. The United Kingdom will not be bound by its undertaking under Article 1 of the Protocol if any Party to the Treaty is in material breach of its own non-proliferation obligations under the Treaty.
In this context the Government of the United Kingdom consider that the Treaty, including its Article 12, prohibits those actions described in its Articles 3 and 5.

3. The Government of the United Kingdom note that while there is no direct threat to the United Kingdom or its vital interests from States developing capabilities in other weapons of mass destruction, for example chemical and biological, they reserve the right to review their undertaking under Article 1 of the Protocol if the future threat, development and proliferation of these weapons make it necessary.

The Government of the United Kingdom therefore reserve the right to exercise the right to withdraw from the Protocol under Article 6, or where the United Kingdom considers that the threat, development and proliferation of other weapons of mass destruction, for example chemical and biological, make it necessary, on giving notice of withdrawal to the Depositary State three months in advance.

PUBLIC STATEMENT

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

After signature made the following public statement.
(Original: English)

**Read by Dr Matthew Rowland, Ambassador to Conference on Disarmament,
6 May 2014, New York**

The United Kingdom is pleased to have signed today the Protocol to the Treaty on a Nuclear Weapon Free Zone in Central Asia, along with the other NPT Nuclear Weapon States. As everyone here today will know, under this Protocol the Nuclear Weapon States will extend legally binding assurances not to use or threaten to use nuclear weapons against any Party to the Treaty and not to contribute to any act that constitutes a violation of the Treaty or its Protocol.

Our signature of the Treaty underlines our commitment to the principles of Nuclear Weapon Free Zones, as we recognise the role that negative security assurances can play in preventing the proliferation of weapons of mass destruction and enhancing regional and international security. It also underlines our commitment to the countries of Central Asia, with whom the United Kingdom is actively and constructively engaged, and where we are developing our relationship across a broad range of security, prosperity and governance issues in order to provide a sound basis for future stability in that region.

The States Parties present today will note that the United Kingdom has issued a declaration that sets out our legal interpretation of certain elements within the Protocol and the Treaty. We are doing so in order that there is no doubt about the conditions under which the United Kingdom would **not** consider itself bound by Article 1 of this Protocol: notably, if any of the Parties to that Treaty allowed nuclear weapons to be stationed on their territory. We of course hope that such conditions will never arise. We trust that the Depositary State will also ensure that our declaration is made available to those who wish to see either the Protocol or the Treaty.

To date the United Kingdom has signed and ratified Protocols to the Treaties of Tlatelolco, Rarotonga and Pelindaba, covering countries in Latin America and the Caribbean, the South Pacific and Africa respectively. Following ratification of this Protocol, which we hope will take place later this year, 78 states will have in place protocols that provide legally-binding negative security assurances from the United Kingdom. We also support the parallel political declarations adopted by the Nuclear Weapon States and Mongolia concerning that state's nuclear weapon free status. We will continue to pursue signing protocols to existing Nuclear Weapon Free Zones as a practical way of strengthening non-proliferation and disarmament architecture.

TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

(The United Kingdom is not a signatory to the Treaty)

TEXT OF THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

The Parties to this Treaty,

Guided by the Almaty Declaration of the Heads of State of the Central Asian States adopted on 28 February 1997; the Statement of the Ministers of Foreign Affairs of the five States of the region adopted at Tashkent on 15 September 1997; the United Nations General Assembly resolutions and decisions 52/38 S of 9 December 1997, 53/77 A of 4 December 1998, 55/33 W of 20 December 2000, 57/69 of 22 November 2002, 58/518 of 8 December 2003, 59/513 of 3 December 2004 and 60/516 of 8 December 2005, entitled "Establishment of a nuclear-weapon-free zone in Central Asia"; and the Communiqué of the Consultative Meeting of Experts of the Central Asian Countries, the Nuclear-Weapon States and the United Nations adopted at Bishkek on 9 July 1998,

Stressing the need for continued systematic and consistent efforts to reduce nuclear weapons globally, with the ultimate goal of eliminating those weapons, and of general and complete disarmament under strict and effective international control, and convinced that all states are obliged to contribute to that end,

Convinced that a Central Asian Nuclear-Weapon-Free Zone will constitute an important step toward strengthening the nuclear non-proliferation regime, promoting cooperation in the peaceful uses of nuclear energy, promoting cooperation in the environmental rehabilitation of territories affected by radioactive contamination, and enhancing regional and international peace and security,

Believing that a Central Asian Nuclear-Weapon-Free Zone will help to promote the security of Central Asian States, particularly if the five Nuclear-Weapon States, as recognized under the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 (hereafter referred to as the NPT) adhere to the accompanying Protocol on security assurances,

Recognizing that a number of regions, including Latin America and the Caribbean, the South Pacific, South-East Asia and Africa, have created nuclear-weapon-free zones, in which the possession of nuclear weapons, their development, production, introduction and deployment as well as use or threat of use, are prohibited, and striving to broaden such regime throughout the planet for the good of all living things,

Reaffirming the obligations set out in the NPT, the Principles and Objectives for Nuclear Non-Proliferation and Disarmament, adopted by the 1995 Review and Extension Conference of the Parties to the NPT, and the Final Document of the 2000 Review Conference of the Parties to the NPT, as well as the principles and

objectives set out in the Comprehensive Nuclear-Test-Ban Treaty of 1996 (hereafter referred to as the CTBT),

Have decided to establish a nuclear-weapon-free zone in Central Asia and have agreed as follows:

ARTICLE 1

Definitions and Usage of Terms

For the purposes of this Treaty and its Protocol:

- (a) The "Central Asian Nuclear-Weapon-Free Zone" includes: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;
- (b) "Nuclear weapon or other nuclear explosive device" means any weapon or other explosive device capable of releasing nuclear energy, irrespective of the military or civilian purpose for which the weapon or device could be used. The term includes such a weapon or device in unassembled or partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;
- (c) "Stationing" means implantation, emplacement stockpiling, storage, installation and deployment;
- (d) "Nuclear material" means any source material or special fissionable material as defined in Article XX of the Statute of the International Atomic Energy Agency (hereinafter referred to as the IAEA), as amended from time to time by the IAEA;
- (e) "Radioactive waste" means any radioactive material, i.e. any substance containing radionuclides, that will be or has already been removed and is no longer utilized, at activities and activity concentrations of radionuclides greater than the exemption levels established in international standards issued by the IAEA;
- (f) "Facility" means:
 - (i) a reactor, a critical facility, a conversion plant, a fabrication plant, a reprocessing plant, an isotope separation plant or a separate storage installation; or
 - (ii) any location where nuclear material in amounts greater than one effective kilogram is customarily used.

ARTICLE 2

Application of the Treaty

- (a) The scope of application of a Central Asian Nuclear-Weapon-Free Zone is defined exclusively for the purposes of this Treaty as the land territory, all waters (harbors, lakes, rivers and streams) and the air space above them, which belong to the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan;
- (b) Nothing in this Treaty shall prejudice or in any way affect the rights of any Central Asian States in any dispute concerning the ownership of or sovereignty over lands or waters that may or may not be included within this zone.

ARTICLE 3

Basic Obligations

Each Party undertakes:

- (a) Not to conduct research on, develop, manufacture, stockpile or otherwise acquire, possess or have control over any nuclear weapon or other nuclear explosive device by any means anywhere;
- (b) Not to seek or receive any assistance in research on, development, manufacture, stockpiling, acquisition, possession or obtaining control over any nuclear weapon or other nuclear explosive device;
- (c) Not to take any action to assist or encourage the conduct of research on, development, manufacture, stockpiling, acquisition or possession of any nuclear weapon or other nuclear explosive device;
- (d) Not to allow in its territory:
 - (i) The production, acquisition, stationing, storage or use, of any nuclear weapon or other nuclear explosive device;
 - (ii) The receipt, storage, stockpiling, installation or other form of possession of or control over any nuclear weapon or other nuclear explosive device;
 - (iii) Any actions, by anyone, to assist or encourage the development, production, stockpiling, acquisition, possession of or control over any nuclear weapon or other nuclear explosive device.

2. Each Party undertakes not to allow the disposal in its territory of radioactive waste of other States.

ARTICLE 4

Foreign Ships, Aircraft, and Ground Transportation

Without prejudice to the purposes and objectives of this Treaty, each Party, in the exercise of its sovereign rights, is free to resolve issues related to transit through its territory by air, land or water, including visits by foreign ships to its ports and landing of foreign aircraft at its airfields.

ARTICLE 5

Prohibition of Testing of Nuclear Weapons or Other Nuclear Explosive Devices

Each Party undertakes, in accordance with the CTBT:

- (a) Not to carry out any nuclear weapon test explosion or any other nuclear explosion;
- (b) To prohibit and prevent any such nuclear explosion at any place under its jurisdiction or control;
- (c) To refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other nuclear explosion.

ARTICLE 6

Environmental Security

Each Party undertakes to assist any efforts toward the environmental rehabilitation of territories contaminated as a result of past activities related to the development, production or storage of nuclear weapons or other nuclear explosive devices, in particular uranium tailings storage sites and nuclear test sites.

ARTICLE 7

Use of Nuclear Energy for Peaceful Purposes

No provision of this Treaty shall prejudice the rights of the Parties to use nuclear energy for peaceful purposes.

ARTICLE 8

IAEA Safeguards

Each Party undertakes:

- (a) To use for exclusively peaceful purposes the nuclear material and facilities which are within its territory, under its jurisdiction, or under its control anywhere;
- (b) To conclude with the IAEA and bring into force, if it has not already done so, an agreement for the application of safeguards in accordance with the NPT (INFCIRC/153 (Corr.)), and an Additional Protocol (INFCIRC/540 (Corr.)) not later than 18 months after the entry into force of this Treaty;
- (c) Not to provide: (i) source or special fissionable material or (ii) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State, unless that State has concluded with the IAEA a comprehensive safeguards agreement and its Additional Protocol referred to in paragraph (b) of this article.

ARTICLE 9

Physical Protection of Nuclear Material and Equipment

Each Party undertakes to maintain effective standards of physical protection of nuclear material, facilities and equipment to prevent its unauthorized use or handling or theft. To that end, each Party undertakes to apply measures of physical protection to nuclear material in domestic use, transport and storage, to nuclear material in international transport, and to nuclear facilities within its territory at least as effective as those called for by the Convention on Physical Protection of Nuclear Material of 1987 and by the recommendations and guidelines developed by the IAEA for physical protection.

ARTICLE 10

Consultative Meetings

The Parties agree to hold annual meetings of their representatives, on a rotating basis, as well as extraordinary meetings, at the request of any Party, in order to review compliance with this Treaty or other matters related to its implementation.

ARTICLE 11

Settlement of Disputes

Disputes between the Parties involving the interpretation or application of this Treaty shall be settled through negotiations or by other means as may be deemed necessary by the Parties.

ARTICLE 12

Other Agreements

This Treaty does not affect the rights and obligations of the Parties under other international treaties which they may have concluded prior to the date of the entry into force of this Treaty.

The Parties shall take all necessary measures for effective implementation of the purposes and objectives of this Treaty in accordance with the main principles contained therein.

ARTICLE 13

Reservations

This Treaty shall not be subject to reservations.

ARTICLE 14

Signature and Ratification

- (a) This Treaty shall be open for signature at Semipalatinsk, the Republic of Kazakhstan, by all States of the Central Asian Nuclear-Weapon-Free Zone: the Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Tajikistan, Turkmenistan and the Republic of Uzbekistan.
- (b) This Treaty shall be subject to ratification.

ARTICLE 15

Entry into Force and Duration

- (a) This Treaty shall enter into force 30 days after the date of the deposit of the fifth instrument of ratification.
- (b) This Treaty shall be of unlimited duration.

ARTICLE 16

Withdrawal from the Treaty

- (a) Any Party may, by written notification addressed to the Depositary, withdraw from the Treaty if it decides that extraordinary events, related to the subject-matter of this Treaty, have jeopardized its supreme national interests. Such notification shall include a statement of the extraordinary events it regards as having jeopardized its supreme national interests.
- (b) Withdrawal shall take effect 12 months after the date of receipt of the notification by the Depositary, who shall circulate such notification to all Parties to the Treaty and to the signatories of the Protocol.

ARTICLE 17

Amendments

- (a) Any amendment to this Treaty, proposed by a Party, shall be circulated by it to all Parties and submitted to the Consultative Meeting at least 90 days before the Meeting.
- (b) Decisions on the adoption of such an amendment shall be taken by consensus of the Parties.
- (c) An amendment so adopted shall enter into force for all Parties after receipt by the Depositary of the instrument of ratification of this amendment from all Parties.

ARTICLE 18

Depositary

- (a) This Treaty shall be deposited with the Kyrgyz Republic, which is

hereby designated as Depositary of this Treaty.

- (b) The Depositary shall, inter alia.
 - (i) Provide an opportunity to sign this Treaty and its Protocol and receive instruments of ratification of this Treaty and its Protocol;
 - (ii) Register this Treaty and its Protocol pursuant to Article 102 of the Charter of the United Nations;
 - (iii) Transmit certified copies of this Treaty and its Protocol to all Parties and to all Parties to its Protocol, and notify them of signatures and ratifications of this Treaty and its Protocol.

In witness whereof, the undersigned, being duly authorized, have signed this Treaty.

Done at Semipalatinsk, the Republic of Kazakhstan, this eighth day of September, two thousand six, in one copy in the English and Russian languages, both texts being equally authentic.

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