

# 2006 TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

*Adopted in Semipalatinsk, Kazakhstan on 8 September 2006*

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# 2006 TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA

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## PREAMBLE

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 Nonproliferation 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 Nonproliferation 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**

### **DEFINITION 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**

1. 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**

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. Parties.

## **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.

## **PROTOCOL 1 THE PARTIES TO THIS PROTOCOL**

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 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,

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 end,

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 to this Protocol undertakes not to use or threaten to use a nuclear weapon or other nuclear explosive device against any Party to the Treaty.

### **ARTICLE 2 NOT CONTRIBUTING TO VIOLATIONS**

Each Party to this Protocol 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 to this Protocol undertakes, by written notification to the Depositary, to indicate its acceptance or otherwise of any alteration to its obligation 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 French Republic, the People's Republic of China, 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**

- (a) This Protocol is of a permanent nature and shall remain in force indefinitely;
- (b) Any Party to this Protocol 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;
- (c) 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 to this Protocol on the date of its deposit with the Depositary of its instrument of ratification or on the date of entry into force of the Treaty, whichever is later.

# **RULES OF PROCEDURE TO IMPLEMENT ARTICLE 10 OF THE TREATY ON A NUCLEAR-WEAPON-FREE ZONE IN CENTRAL ASIA**

## **CONSULTATIVE MEETINGS OF THE PARTIES TO THE TREATY ON A NUCLEAR-WEAPON FREE ZONE IN CENTRAL ASIA**

### 1. Consultative Meetings

Pursuant to Article 10 of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia the Parties shall hold annual meetings or extraordinary meetings in order to review compliance with the Treaty or other matters related to its implementation.

### 2. First Consultative Meeting

- 2.1 The first annual consultative meeting shall take place no later than 2 months after the entry into force of the Treaty.
- 2.2 The first annual consultative meeting will take place in Dushanbe, the Republic of Tajikistan.
- 2.3 At the end of the first annual meeting, the Parties shall decide on the venue and date of the next annual meeting.

### 3. Extraordinary Consultative Meeting

- 3.1. Extraordinary consultative meetings shall be convened, at the request of any Party to the Treaty, whenever that motion is seconded by two other Parties.
- 3.2. The motion to convene an extraordinary consultative meeting shall be transmitted through, diplomatic channels, by the initiating Party to the Party acting as Host at that time, with an explanation of the need to convene it.
- 3.3. The Host Party clears the holding of the meeting with all other Parties within 10 days since the receipt of the motion to convene such a meeting.

### 4. Duration of Consultative Meetings

The duration of consultative meetings shall be normally no more than 3 days unless the Parties decide otherwise.

### 5. Composition of Delegations

- 5.1. An official delegation of the Party shall consist of the head of the delegation (or an authorized official) and his/her advisors.
- 5.2. The names of the members of the official delegation and the accompanying officials are communicated by the Parties to the Host Party through, diplomatic channels, normally no later than 10 days before the start of the meeting.
- 5.3. The composition of official delegations sent to attend consultative meetings shall not exceed the "1+3" formula.

## 6. The Host Party's Functions and Responsibilities as Chair

- 6.1. The Host Party, through its representative, chairs annual and extraordinary consultative meetings.
- 6.2. The Host Party acts as Chair until the next annual meeting.
- 6.3. Throughout that period, the designated Depository of the Treaty is responsible for any communications related to the implementation of Article 10 of the Treaty.

## 7. Decision Making

- 7.1. Each Party shall have one vote.
- 7.2. Decisions of consultative meetings shall be taken by consensus.
- 7.3. Decisions adopted by the Parties are reflected in the outcome documents signed by the heads of official delegations of the Parties (or authorized officials). Documents adopted at consultative meetings constitute a mandatory annex to the outcome documents.
- 7.4. The outcome documents are prepared in the Russian and, if needed, in the English languages.

## 8. Observers

With the consent of the Parties to the Treaty, the five Nuclear-Weapon States, as recognized under the NPT, as well as representatives of relevant international organization may be invited to attend annual as well as extraordinary consultative meetings as observers.

## 9. Working Languages

English and Russian will be the working languages of annual meetings or extraordinary meetings.

## 10. Reporting

At the conclusion of the Consultative Meeting, the Host Country prepares a record in the Russian and, if needed, in the English languages. With the consent of all Parties to the Treaty, the record may be transmitted to all interested international organizations as well as to the observers attending the meeting.

## 11. Cost Sharing

The cost of holding of annual or extraordinary meetings, except transportation and accommodation, shall be borne by the Host Country