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**ADHERENCE TO AND COMPLIANCE  
WITH  
ARMS CONTROL, NONPROLIFERATION,  
AND  
DISARMAMENT AGREEMENTS  
AND COMMITMENTS**



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# **ADHERENCE TO AND COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS**

## **INTRODUCTION**

### **PURPOSE**

This Report is submitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended (22 U.S.C. 2593a), which requires a report by the President on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*.

### **SCOPE OF THE REPORT**

This Report assesses U.S. adherence to obligations undertaken in arms control, nonproliferation, and disarmament agreements and related commitments, including Confidence- and Security-Building Measures (CSBMs) in 2013, as well as the adherence in 2013 of other nations to obligations undertaken in arms control, nonproliferation, and disarmament agreements and related commitments, including CSBMs and the Missile Technology Control Regime, to which the United States is a participating state. The issues addressed in this Report primarily reflect activities from January 1, 2013 through December 31, 2013, unless otherwise noted.<sup>1</sup>

Pursuant to 22 U.S.C. 2593a (a)(6), this unclassified version of the Report identifies questions, to the maximum extent practicable, that exist with respect to compliance by other countries with their arms control, nonproliferation, and disarmament agreements and commitments with the United States. In comparison to classified versions of the Report, this unclassified version may contain less detailed information, fewer compliance assessments, and findings phrased to safeguard sensitive or special reporting while at the same time fulfilling the Report's statutory requirement.

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<sup>1</sup> In this Report, previous editions of the Report are cited by their year of release unless otherwise noted. For example, the previous edition of the Report was released in 2013 and primarily reflected activities from January 1, 2012 through December 31, 2012. But there have been some exceptions to that general practice. For example, the edition released in 2011 primarily reflected activities from January 1, 2009 through December 31, 2010, and the edition released in 2010 primarily reflected activities from January 2004 through December 2008.

## **ADHERENCE TO AGREEMENTS**

Effective arms control requires parties to comply fully with arms control obligations and commitments they have undertaken. For the arms control, nonproliferation, and disarmament agreements and commitments to which the United States is a participating state, the United States and the majority of the other participating nations are adhering to their obligations and commitments and have indicated their intention to continue doing so. This Report indicates that there are compliance questions and concerns – and in some instances, findings of serious treaty violations – involving a relatively small number of countries. The United States continues to pursue resolution of those compliance issues, where appropriate.

**U.S. Organizations and Programs to Evaluate and Ensure Treaty Compliance.** Our deep-seated legal tradition, a commitment to U.S. arms control agreements that enhance our security and that of our allies and friends, and our open society create powerful incentives for the United States to comply with agreements to control nuclear weapons and other weapons. Legal and institutional procedures to ensure compliance have been established, and they reflect the seriousness with which these obligations are taken and reinforce these underlying policies and principles. For example, U.S. Department of Defense (DoD) compliance review groups oversee and manage DoD compliance with arms control, nonproliferation, and disarmament agreements and related commitments, including CSBMs. U.S. interagency organizations oversee and manage analysis of the compliance of other nations with arms control, nonproliferation, and disarmament agreements and related commitments, including CSBMs. Moreover, an interagency review is conducted in appropriate cases, including when other treaty parties officially raise questions regarding U.S. implementation of its obligations. Finally, Congress performs oversight functions through committee hearings and budget allocations.

## **OVERVIEW**

This Report addresses U.S. compliance with arms control agreements and commitments (Part I), compliance by Russia and other successor states of the Soviet Union with treaties that the United States concluded bilaterally with the Soviet Union and its successor states (Part II), compliance by countries that are parties to multilateral agreements and commitments with the United States (Part

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III), and compliance with commitments made less formally but that bear directly upon arms control, nonproliferation, or disarmament issues (Part IV).

Introduction

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# **PART I: U.S. COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS**

## **U.S. INSTITUTIONAL AND PROCEDURAL ORGANIZATION FOR ENSURING COMPLIANCE**

There are processes and controls within the U.S. executive branch, including at the Department of Defense (DoD), the Department of Energy (DOE), the Department of Homeland Security (DHS), the Department of Commerce, and the Nuclear Regulatory Commission, that operate to ensure that U.S. plans and programs remain consistent with U.S. international obligations. They operate in parallel with, and in addition to congressional oversight.

In 1972, the DoD established the first such department-level process. Under this compliance process (established at the conclusion of the Strategic Arms Limitation Talks (SALT) that led to arms control-related agreements on strategic offensive arms), key offices in DoD are responsible for overseeing DoD compliance with all U.S. arms control, nonproliferation, and disarmament agreements and commitments, including Confidence- and Security-Building Measures (CSBMs). DoD components ensure that their implementing program offices adhere to DoD compliance directives and seek guidance from the offices charged with oversight responsibility. Similar processes have been established by other departments and agencies to ensure that their programs and activities comply with U.S. international obligations. Interagency reviews also are conducted in appropriate cases, such as when other treaty parties formally raise questions regarding U.S. implementation of its arms control obligations.

## **U.S. COMPLIANCE**

The United States is in compliance with all its obligations under arms control, nonproliferation, and disarmament agreements and commitments, and continues to make every effort to comply scrupulously with them. When U.S. partners have raised a compliance question regarding U.S. implementation activities, the United States has carefully reviewed the matter to confirm that its actions were in compliance with its obligations.



**Biological and Toxin Weapons Convention (BWC).** All U.S. activities during the reporting period were consistent with the obligations set forth in the BWC. The United States continues to work toward enhancing transparency of biological defense work using the BWC confidence-building measures.

**Chemical Weapons Convention (CWC).** The CWC entered into force on April 29, 1997. The United States continues to work toward meeting its CWC obligations with respect to the destruction of chemical weapons (CW) and associated CW facilities. The United States has completed destruction of its Category 2 and 3 CW and has completed destruction of nearly 90 per cent of its Category 1 CW stockpile. The United States remains fully committed to complete destruction of its entire stockpile as soon as practicable, consistent with the Convention's imperatives of public safety, environmental protection, and international transparency and oversight.

The United States continues to update the Organization for the Prohibition of Chemical Weapons (OPCW) on U.S. destruction efforts, consistent with the November 2011 adoption by the OPCW Conference of States Parties of transparency measures to provide States Parties and the OPCW with additional confidence in States Parties' continued commitment to and progress toward complete, verified destruction of their chemical weapons under the CWC. The United States has provided a full and complete declaration of its CW and associated CW facilities. The United States also is compliant with its CWC obligations related to commercial activities. U.S. CWC Regulations (15 CFR 710 et seq.) require commercial facilities exceeding CWC-specified activity thresholds to submit annual declarations, notifications, and other reports, including on past and anticipated activities, and to permit systematic and routine verification through on-site inspections of declared commercial facilities.

**Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles, also known as the Intermediate-Range Nuclear Forces (INF) Treaty.** All U.S. activities during the reporting period were consistent with the obligations set forth in the INF Treaty. Russia did not raise any new INF Treaty compliance issues during the reporting period.

**Threshold Test Ban Treaty (TTBT), Underground Nuclear Explosions for Peaceful Purposes Treaty (PNET), and Limited Test Ban Treaty (LTBT).** The United States has not conducted any nuclear weapon explosive tests or any nuclear explosions for peaceful purposes since 1992. All U.S. activities during the

reporting period were consistent with the obligations set forth in the TTBT, PNET, and LTBT.

**1925 Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.** All U.S. activities during the reporting period were consistent with the obligations set forth in the 1925 Geneva Protocol.

**Treaty on Conventional Armed Forces in Europe (CFE) and the Vienna Document 2011.** All U.S. activities during the reporting period were consistent with the obligations set forth in the CFE Treaty and the political commitments associated with the Vienna Document 2011.

The United States continues to maintain a cessation of implementation of certain CFE Treaty obligations (notifications, data exchange, and inspections) vis-à-vis the Russian Federation due to Russia's ongoing nonperformance of its obligations to the United States under the CFE Treaty. This measure was closely coordinated with NATO Allies, who also implemented similar steps in their respective national capacities. Russia has not challenged this action. The United States continues to perform its obligations under the CFE Treaty vis-à-vis all other States Parties.

**Treaty on Open Skies (OST).** All U.S. activities during the reporting period were consistent with the obligations set forth in the OST.

**Nuclear Non-Proliferation Treaty (NPT).** All U.S. activities during the reporting period were consistent with the obligations set forth in the NPT.

**Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START Treaty).** All U.S. activities during the reporting period were consistent with the obligations set forth in the New START Treaty (NST).

During this third year of treaty implementation, both the United States and Russia have raised questions related to Treaty implementation in the Bilateral Consultative Commission (BCC) and through diplomatic channels. The United States reviewed these Russian concerns and determined that U.S. actions are in full

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compliance with the Treaty. The United States has explained in detail in the BCC and diplomatic channels, why U.S. actions are in compliance with the Treaty.

U.S. Compliance  
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## **PART II: COMPLIANCE WITH TREATIES AND AGREEMENTS CONCLUDED BILATERALLY WITH THE SOVIET UNION OR ITS SUCCESSOR STATES**

### **INTERMEDIATE-RANGE NUCLEAR FORCES (INF) TREATY**

The Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (INF Treaty) was signed by President Reagan and Soviet General Secretary Gorbachev on December 8, 1987, and entered into force on June 1, 1988. Elimination of all declared missiles and launchers under the Treaty was completed in 1991.

The Treaty is of unlimited duration and bans the possession, production, and flight-testing of intermediate- and shorter-range missile systems. The Treaty required the complete elimination of all the approximately 800 U.S. and approximately 1,800 former Soviet ground-launched missiles with maximum ranges between 500 and 5,500 kilometers (km), their launchers, and their associated support equipment and structures. All such items were eliminated by May 28, 1991.

The Treaty established a verification regime using national technical means of verification (NTM), notifications, and an on-site inspection regime to detect and deter violations of Treaty obligations. The inspection regime concluded on May 31, 2001, that is, 13 years following the Treaty's entry into force. The remainder of the verification regime continues for the duration of the Treaty.

### **FINDING**

The United States has determined that the Russian Federation is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.

## **COMPLIANCE ANALYSIS**

The INF Treaty defines an intermediate-range missile as a ground-launched ballistic missile (GLBM) or GLCM having a range capability in excess of 1,000 km but not in excess of 5,500 km. The Treaty defines a shorter-range missile as a GLBM or GLCM having a range capability equal to or in excess of 500 km but not in excess of 1,000 km. A GLCM is defined as a ground-launched cruise missile that is a weapon delivery vehicle.

Article I provides that the Parties shall not have intermediate-range and shorter-range missiles.

Paragraph 1 of Article IV provides that the Parties shall not possess intermediate-range missiles and launchers of such missiles, or support structures and equipment of the categories listed in the Memorandum of Understanding associated with such missiles and launchers.

Paragraph 1 of Article VI provides that no Party shall produce or flight-test any intermediate-range missiles or produce any stages or launchers of such missiles, or produce, flight-test, or launch any shorter-range missiles or produce any stages or launchers of such missiles.

Paragraph 1 of Article VII provides that if a cruise missile has been flight-tested or deployed for weapon-delivery, all missiles of that type shall be considered to be weapon-delivery vehicles.

Paragraph 2 of Article VII provides that if a GLCM is an intermediate-range missile, all GLCMs of that type shall be considered to be intermediate-range missiles.

Paragraph 4 of Article VII provides that the range capability of a GLCM not listed in Article III of this Treaty shall be considered to be the maximum distance which can be covered by the missile in its standard design mode flying until fuel exhaustion, determined by projecting its flight path onto the earth's sphere from the point of launch to the point of impact.

Paragraph 11 of Article VII provides that a cruise missile which is not a missile to be used in a ground-based mode shall not be considered to be a GLCM if

it is test-launched at a test site from a fixed land-based launcher which is used solely for test purposes and which is distinguishable from GLCM launchers.

**Compliance Discussions**

In 2013, the United States raised these concerns with the Russian Federation on repeated occasions in an effort to resolve U.S. concerns. The United States will continue to pursue resolution of U.S. concerns with Russia.

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**TREATY ON  
MEASURES FOR THE FURTHER REDUCTION AND  
LIMITATION OF STRATEGIC OFFENSIVE ARMS  
(THE NEW START TREATY)**

For a discussion of Russia's implementation of its obligations under the New START Treaty, see the Report on Implementation of the New START Treaty, submitted in January 2014, consistent with Section (a)(10) of the Senate Resolution of Advice and Consent to Ratification of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Condition (10) Report"), and appended to this Report.

New START  
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## **PART III: OTHER NATIONS' (INCLUDING SUCCESSOR STATES') COMPLIANCE WITH MULTILATERAL TREATIES**

### **BIOLOGICAL AND TOXIN WEAPONS CONVENTION (BWC)**

The Biological and Toxin Weapons Convention (BWC or Convention) opened for signature in 1972 and came into force in 1975. As of the end of 2013, there were 170 States Parties to the BWC and 10 countries had signed but not yet ratified the agreement. In 1987, BWC States Parties established an annual data exchange, referred to as the Confidence-Building Measures (CBMs). The CBMs were modified and expanded in 1991 and further streamlined in 2011. The arrangement establishing the CBMs is not legally binding and not all States Parties submit reports.

This Report addresses BWC-related issues regarding China, Iran, North Korea, Pakistan, and Russia, all of which are States Parties to the BWC. This Report also addresses biological warfare (BW)-related activities of Egypt and Syria, which have signed but not ratified the BWC.

### **COUNTRY ASSESSMENTS**

#### **CHINA**

#### **FINDING**

Available information indicates that China engaged during the reporting period in biological activities with potential dual-use applications. However, the information did not establish that China is engaged in activities prohibited by the BWC.

#### **BACKGROUND**

China became a State Party to the BWC in 1984. Its compliance with the Convention has been addressed since the 1993 Report.

China's CBM declarations have not documented a historical offensive BW program.



China continued to develop its biotechnology infrastructure, pursue scientific cooperation with entities of several countries, and engage in biological activities with potential dual-use applications.

**Compliance Discussions**

No BWC compliance issues were raised between the United States and China during the reporting period.

**EGYPT**

**FINDING**

During the reporting period, available information did not indicate that Egypt is engaged in activities prohibited to States Parties by the BWC. Egypt is a signatory and not a State Party to the BWC.

**BACKGROUND**

Egypt signed the BWC in 1972 but has yet to ratify the Convention. As a signatory but not a State Party to the BWC, Egypt has not committed, nor has it been expected, to submit annual CBM declarations. Accordingly, it has made no BWC CBM declarations.

There has been no reporting during the reporting period to indicate that Egypt has a BW program.

Reporting over the last three years indicated that Egypt continued to improve its biotechnology infrastructure; engage in biological research and development activities, including genetic engineering techniques; and pursue scientific cooperation with other countries. As of the end of 2013, available information did not indicate that Egypt is engaged in activities prohibited by the BWC.

**Compliance Discussions**

No BWC compliance issues were raised between the United States and Egypt during the reporting period.

**IRAN**

**FINDING**

Available information indicated that Iran continued during the reporting period to engage in activities with dual-use BW applications. It remained unclear whether any of these activities were prohibited by the BWC.

**BACKGROUND**

Iran became a State Party to the BWC in 1973. Its compliance with the Convention has been addressed since the 1993 Report.

We assess that Iran continued to engage in activities with dual-use BW applications. It remained unclear whether any of these activities are prohibited by the BWC.

**Compliance Discussions**

During the reporting period, issues relating to Iran's dual-use BW activities continued to be raised with other countries in multilateral channels. There were no exchanges during the reporting period between the United States and Iran regarding Iran's compliance with the BWC.

**NORTH KOREA**

**FINDING**

The United States continues to judge that North Korea may still consider the use of biological weapons as an option, contrary to the BWC. North Korea continues to develop its biological research and development capabilities, but has yet to declare any relevant developments and has failed to provide a BWC CBM declaration since 1990.

**BACKGROUND**

North Korea (the Democratic People's Republic of Korea, or DPRK) became a State Party to the BWC in 1987. Its compliance with the Convention was first addressed in the edition of this Report covering the year 2000.

The only BWC-related declaration that North Korea has made was a BWC CBM declaration in 1990.

Available information indicates that North Korean entities engaged during the reporting period in a range of biological research and development activities.

Available information previously indicated that North Korea may still consider the use of biological weapons as an option. The United States notes that North Korea may still consider the use of biological weapons as an option, contrary to the BWC.

### **Compliance Discussions**

During the reporting period, discussions regarding North Korea's compliance with its BWC obligations continued in multilateral fora. There were no bilateral exchanges during the reporting period between the United States and North Korea regarding the DPRK's BWC compliance.

In the past, North Korea has rejected the view that it is not meeting its BWC obligations. It has also stated that it opposes the development and use of biological weapons, and that it does not possess a single biological weapon.

## **PAKISTAN**

### **FINDING**

Information available through the end of 2013 did not indicate that Pakistan is engaged in activities prohibited by the BWC.

### **BACKGROUND**

Pakistan became a State Party to the BWC in 1974.

Information available through the end of 2013 did not indicate that Pakistan is engaged in activities prohibited by the BWC.

**Compliance Discussions**

During the reporting period, the United States and Pakistan continued to collaborate on BWC related matters.

**RUSSIA**

**FINDING**

Available information during the reporting period indicated that Russian entities have remained engaged in dual-use, biological activities. It is unclear that these activities were conducted for purposes inconsistent with the BWC. It also remains unclear whether Russia has fulfilled its BWC obligations in regard to the items specified in Article I of the Convention that it inherited.

**BACKGROUND**

The Soviet Union became a State Party to the BWC in 1975. Russia's BWC compliance was first addressed in the 1993 Report, while the Soviet Union's BWC noncompliance was first addressed in the January 1984 Report to Congress on Soviet Non-compliance with Arms Control Agreements.

*Russia's Acknowledgement of Inherited Soviet Activities.* In January 1992, President Yeltsin announced that Russia renounced the former Soviet Union's reservations to the 1925 Geneva Protocol that had allowed for retaliatory use of biological weapons. (The Duma voted to remove these reservations in 2001.) In April 1992, President Yeltsin signed a decree committing Russia as the BWC successor to the Soviet Union and prohibiting illegal biological warfare activity in Russia. During discussions in Moscow in September 1992, Russian officials confirmed the existence of a biological weapons program inherited from the Soviet Union and committed to its destruction.

Although Russia had inherited the past offensive program of biological research and development from the Soviet Union, Russia's annual BWC CBM submissions since 1992 have not satisfactorily documented whether this program was completely destroyed or diverted to peaceful purposes in accordance with Article II of the BWC.

Russian entities remained engaged during the reporting period in BW-relevant activities.

It also remains unclear if Russia has fulfilled its obligations under Article II of the BWC to destroy or divert to peaceful purposes the items specified in Article I of the Convention that it inherited from the Soviet Union.

**Compliance Discussions**

There were no discussions with Russia during the reporting period regarding its compliance with the BWC.

**SYRIA**

**FINDING**

The United States will continue to monitor closely biological activities undertaken by Syria, a signatory to the BWC, for activities that may violate the provisions under the BWC if Syria were a State Party to the Convention. Further, while Syria is not a party to the BWC, Syria has acceded to the Chemical Weapons Convention (CWC), which also prohibits offensive activities related to toxins.

**BACKGROUND**

Syria signed the BWC in April 1972, but has yet to ratify the Convention. Syria's BW-related activities have been addressed since the 1993 Report.

As a signatory but not a State Party to the BWC, Syria has not committed, nor has it been expected, to submit annual CBM declarations. Accordingly, it has made no BWC CBM declarations.

It remained unclear during the reporting period whether Syria would consider the use of biological weapons as a military option.

**Compliance Discussions**

Discussions regarding Syria's BW-related activities continued among the United States and other countries during the reporting period.

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**TREATY ON  
CONVENTIONAL ARMED FORCES IN EUROPE (CFE)**

For a discussion of other nations' adherence to their obligations under the CFE Treaty, see the Report on Compliance with the Treaty on Conventional Armed Forces in Europe submitted in February 2014, consistent with Condition 5(C) of the Senate Resolution of Advice and Consent to Ratification of the CFE Flank Document (also known as the "Condition 5(C) Report") and appended to this Report.

CFE Treaty  
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## **VIENNA DOCUMENT ON CONFIDENCE- AND SECURITY- BUILDING MEASURES**

On November 30, 2011, the participating States of the Organization for Security and Cooperation in Europe (OSCE) adopted Vienna Document 2011 (VD11), which added to and built upon the undertakings in previous versions of the Vienna Document (1990, 1992, 1994, and 1999). The measures contained in the Vienna Document are politically binding upon the participating States.

In 2013, 88 inspections and 42 evaluation visits of units and formations were conducted by the participating States under the provisions of the Vienna Document Chapter IX. In addition, 11 inspections and 27 evaluation visits were conducted using Vienna Document procedures under bilateral agreements or regional measures that provided additional inspection opportunities to the participants in those arrangements.

In the most recent annual Vienna Document exchange of confidence- and security-building measures (CSBM) data, 48 of the 51 participating States with armed forces provided CSBM data as of the end of 2013.<sup>2</sup> Although Turkmenistan did not provide data as of the end of 2013, Turkmenistan subsequently provided data as of January 1, 2014 on January 15, 2014. Uzbekistan has not provided data since 2003. Mongolia, which needs only to report on armed forces in the Vienna Document “zone of application,” failed to provide a “nil report.”

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<sup>2</sup> Under the terms of the Vienna Document, participating states provide data in December regarding their forces as of January 1 of the following year.

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## **CHEMICAL WEAPONS CONVENTION (CWC)**

For a discussion of other nations' adherence to their obligations under the Chemical Weapons Convention, see the Report on Chemical Weapons Convention Compliance, submitted in February 2014, in accordance with Condition 10(C) of the Senate Resolution of Advice and Consent to the Chemical Weapons Convention (also known as the "Condition 10(C) Report"), and appended to this Report.

CWC

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## **NUCLEAR NON-PROLIFERATION TREATY (NPT)**

This section of the Report covers developments relevant to other nations' compliance with the 1968 Nuclear Non-Proliferation Treaty (NPT) and addresses, in particular, developments in Burma, Iran, North Korea, and Syria.

As of the end of 2013, there were 12 non-nuclear-weapon States Party (NNWS) to the NPT that had not yet brought into force a comprehensive safeguards agreement with the International Atomic Energy Agency (IAEA). The NPT does not require adherence to an IAEA Additional Protocol, which contains measures that increase the IAEA's ability to verify the non-diversion of declared nuclear material and to provide assurances as to the absence of undeclared nuclear material and activities in a State. As of the end of 2013, 145 States had an Additional Protocol approved by the IAEA Board of Governors, 143 of those had been signed, and 122 had entered into force. (The Protocol Additional to the Agreement between the United States of America and the IAEA for the Application of Safeguards in the United States of America (U.S. Additional Protocol) entered into force for the United States on January 6, 2009.)

### **COUNTRY ASSESSMENTS**

#### **BURMA**

#### **FINDING**

U.S confidence in Burma's peaceful intentions regarding its nuclear activities continued to grow in 2013, as Burma signed an Additional Protocol (AP) to its Safeguards Agreement in September 2013 and announced that it would adhere to the text of a modified Small Quantities Protocol (SQP) in 2014. Once Burma's AP enters into force, Burma will be obligated, among other things, to provide the IAEA with a declaration that includes extensive information relating to its nuclear facilities and all nuclear and nuclear-related activities. Burmese efforts to bring into force and implement the AP and modified SQP will require continued political leadership from President Thein Sein and cooperation between the civilian and military elements of the Burmese Government to succeed. Burma's declarations of relevant nuclear-related activities and locations under the Additional Protocol and its initial declaration of nuclear material under a modified SQP (once they enter into force), and Burma's responsiveness to IAEA questions will be key to resolving outstanding concerns and questions regarding its current

nuclear intentions and activities. The United States will remain alert to any indications of Burmese nuclear weapons-related activities or intentions to develop a nuclear weapons capability, although available information does not suggest the current Burmese Government has any such ambitions.

## **BACKGROUND**

Burma became a State Party to the NPT in 1992, and its Safeguards Agreement with the IAEA entered into force in 1995. As a country with little to no nuclear material, Burma concluded an SQP to its Safeguards Agreement in 1995; the SQP holds in abeyance key safeguards provisions in the Safeguards Agreement as long as Burma does not possess quantities of nuclear material that exceed a defined threshold or “nuclear material in a facility as defined in” its Safeguards Agreement. Burma’s Foreign Minister Wunna Maung Lwin and IAEA Director General Yukiya Amano signed an Additional Protocol to Burma’s Safeguards Agreement on September 17, 2013. Entry into force of Burma’s AP will occur when Burma notifies the IAEA in writing that Burma’s domestic statutory requirements for entry into force have been met. Burma will be required to submit its initial declaration under the Additional Protocol to the IAEA within 180 days of entry into force.

In 2005, the IAEA Board of Governors approved an update of the Model SQP. Burma has not yet modified its SQP to conform to the update, but on November 18, 2012, President Thein Sein announced Burma’s intention to do so when he announced Burma’s intention to sign the Additional Protocol. Burma since has reported that it will modify its SQP in 2014, which, among other things, will require it to declare all nuclear material subject to safeguards under its Safeguards Agreement. In addition to making an initial declaration of all its applicable nuclear materials, modifying its SQP will require Burma to provide early design information for any planned nuclear facilities as well as the corresponding inspection access, which is currently held in abeyance under the existing SQP. Entry into force of Burma’s AP would provide the IAEA with expanded inspection authority, including to all parts of Burma’s nuclear fuel cycle, and the ability to collect samples and information to verify compliance.

## **COMPLIANCE ANALYSIS**

As early as 2002, the Burmese Government had publicly announced its intention to acquire a nuclear research reactor for peaceful purposes under IAEA

auspices. In May 2007, Burma and Russia signed an agreement for Russia to assist in building a nuclear research center in Burma that would include a 10 Megawatt (MW) light-water research reactor. Russia has provided public assurances that the research reactor would be placed under IAEA safeguards. In 2010, Burma's Ministry of Foreign Affairs stated that Burma had suspended its reactor plan with Russia "due to inadequacy of resources and the government's concern for misunderstanding it may cause" among the international community.

In the past, the United States has expressed concerns about Burma's interest in pursuing a nuclear program, including the possibility of cooperation with North Korea. Burma has stated its intention to fully comply with UN Security Council Resolutions 1718, 1874, and 2094.

In 2011, after calling on Burma to sign an AP, the United States noted that it was necessary that "the entire government respect the international consensus against the spread of nuclear weapons."

In December 2012, Burma's military chief Vice Senior General Min Aung Hlaing reportedly stated that Burma planned to use nuclear technology for medical, research, and energy purposes, but that Burma will not develop atomic weapons. In 2013, President Thein Sein stated that Burma does not have the desire, technology, the money, or the capacity to build a nuclear weapon.

### **Compliance Discussions**

In January 2013, at Burma's invitation and in support of Burma's announced decision to sign an AP and modify its SQP, U.S. officials held a three-day workshop in Burma to familiarize Burmese officials and scientists with the AP and modified SQP. The workshop included participation by all relevant agencies in the Burmese government and a participant from the International Atomic Energy Agency. In August 2013, the United States conducted a second workshop in Burma to further Burmese understanding of the AP, in preparation for Burma's signature. Subsequently, at Burma's request, from August 26-28, 2013, the IAEA conducted a workshop on State Systems for Accounting and Control of nuclear material in Nay Pyi Taw that focused on the issues relevant to the conclusion of an AP and modified SQP.

The United States has commended Burma's signature in September 2013 of an AP and its announcement that it would submit a modified SQP in 2014.

**IRAN**

**FINDING**

Iran currently is in violation of obligations under the NPT, its IAEA Safeguards Agreement, and relevant UN Security Council resolutions. The Joint Plan of Action (JPOA), which is designed to keep Iran's nuclear program from advancing further while negotiations continue on a long-term comprehensive solution, was agreed by the P5+1 and Iran on November 24, 2013 and began to be implemented on January 20, 2014. Since implementation began after the December 31, 2013 cut-off date for the 2014 Compliance Report, the JPOA's contribution toward resolving Iran's violations is not addressed in this Report. The 2015 Compliance Report will assess the progress under the JPOA toward resolving our concerns regarding Iran's nuclear program, including its enrichment capacity, enriched uranium stockpile, and prospective ability to produce plutonium at the IR-40 reactor.

**BACKGROUND**

Iran became a State Party to the NPT in 1970 and its Safeguards Agreement entered into force in 1974. Iran signed the Additional Protocol (AP) in 2003 and implemented it provisionally and selectively from 2003 to 2006, when provisional implementation was suspended.

Iran's violations of its obligations under the NPT and its IAEA Safeguards Agreement have been ongoing since the early 1980s. In 2002, an Iranian opposition group publicly revealed covert nuclear facilities under construction at Natanz and Arak in Iran that Iran had failed to declare to the IAEA. Developments led the IAEA Board of Governors to declare Iran in noncompliance with its Safeguards Agreement in 2005 and to report the case to the UN Security Council (UNSC) in 2006.

Since 2006, the Security Council has adopted multiple resolutions on Iran, four of which impose binding Chapter VII sanctions (UN Security Council Resolutions 1737, 1747, 1803, and 1929). In June 2010, the UN Security Council adopted United Nations Security Council Resolution 1929 (UNSCR 1929), imposing a range of sanctions against Iran. In addition, the United States and others, including the European Union, Norway, Switzerland, Canada, Australia,

Japan, and the Republic of Korea, have imposed their own sanctions to increase pressure on Iran to resolve questions about its nuclear program.

The IAEA Director General's Reports to the IAEA Board of Governors on Iran provide a factual, technically-focused update on Iran's failure to comply with its international nuclear obligations. During the reporting period, Iran continued to make progress on uranium enrichment-related activities in contravention of UN Security Council and IAEA resolutions. Iran continued research and development work on advanced centrifuges; and enriched uranium up to nearly twenty percent at both the Natanz Pilot Fuel Enrichment Plant (PFEP) and the Fordow Fuel Enrichment Plant (FFEP). However, installation of centrifuges and the expansion of enrichment operations largely stopped in the second half of 2013. Based on the IAEA Director General's November 2013 Report, since Iran began enriching uranium at its declared facilities, Iran has produced 10,357 kg of uranium enriched up five percent; fed 3,202.7 kg back into the cascades at Natanz and Fordow for enrichment to 20 percent; and stockpiled approximately 196 kg of uranium hexafluoride enriched to near 20 percent. Iran also converted a total of 213.5 kg of UF<sub>6</sub> enriched up to 20 percent U<sub>235</sub> into U<sub>308</sub>, which can be used as fuel for its nuclear reactors or may be converted back to UF<sub>6</sub> (if Iran makes the necessary modifications to its IAEA-monitored conversion facility). Under the terms of the Joint Plan of Action (JPOA), which Iran and the P5+1 concluded on November 24, 2013 but began to implement on January 20, 2014, Iran is required, *inter alia*, to halt enrichment above five percent and blend down or convert to oxide its existing stocks at near 20 percent enrichment, and commit to no creation of a reconversion line for oxide to UF<sub>6</sub>.

Iran also made progress on its heavy water-related activities, by continuing to construct its IR-40 heavy water-moderated research reactor at Arak and operating its heavy water production plant at Arak. Iran continued to not provide design information or report design changes to nuclear installations well in advance of any action taken to modify existing facilities or construct new ones, as required by Iran's Modified Code 3.1 of the Subsidiary Arrangements to Iran's Safeguards Agreement. During the reporting period, the IAEA Director General (DG) reiterated publicly that Iran has not provided the necessary cooperation to permit the IAEA to provide assurances that Iran's nuclear program is exclusively peaceful.

In addition, the United States imposed a series of new sanctions on entities and individuals involved in nuclear-related proliferation with Iran. This included

information to deter the financing of Iran's nuclear activities and to reinforce implementation of sanctions. Iran continues to seek ways to circumvent the sanctions, but its economic condition is precarious, and there are signs that the effects of sanctions may be slowing some of the regime's nuclear program plans and activities.

## **COMPLIANCE ANALYSIS**

The IAEA DG's November 2013 report marked the two-year anniversary since his 2011 report, which included a comprehensive Annex that detailed concerns regarding the possible military dimensions (PMD) of Iran's nuclear program. In particular, the 2011 report had noted that the Agency had credible information indicating that Iran had conducted activities relevant to the development of a nuclear explosive device at the Parchin site and "that ... such experiments would be strong indicators of possible nuclear weapons development." The 2011 report also had indicated that Iran had a structured military program through 2003 and that some activities may still be ongoing, and requested information to address the Agency's questions on Iran's laser enrichment program.

Information obtained by the Agency in 2012-13 further corroborated the analysis contained in the 2011 Annex. In 2013, the DG again called for access to the Parchin site and reiterated that Iran's extensive measures to sanitize the Parchin site will significantly hamper the Agency's ability to conduct effective verification when it gains access to the location. He also repeated his longstanding conclusion, that while the IAEA continues to verify the non-diversion of declared nuclear material, it is not in a position to provide credible assurance about the absence of undeclared nuclear material and activities. He continued to call for Iran to implement the Additional Protocol (which would provide the IAEA with expanded access and information regarding Iran's nuclear program) and Modified Code 3.1, both of which are required of Iran by relevant UNSC resolutions.

The United States notes that Iran continued in 2013 to engage in uranium enrichment- and heavy water-related activities in violation of UN Security Council resolutions, although at a slower pace since the end of summer 2013, according to the IAEA. A number of issues raised in the IAEA DG's reports since 2010 have been of particular concern, including Iran's enrichment capacity, its stockpiles of enriched uranium, its prospective ability to produce weapons-grade plutonium at the IR-40 reactor at Arak, and its failure to address substantive concerns regarding

the possible military dimensions of its nuclear program. Additionally, Iran's multiple failures since 2003 to report nuclear material, facilities, and activities as required by its IAEA Safeguards Agreement remain a concern as does Iran's continuing failure to meet its obligations under modified Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement. As noted in previous Compliance Reports, Iran's failure to abide by the obligations of its Safeguards Agreement also constitutes a violation of its NPT Article III obligations. Moreover, Iran had previously received assistance in the manufacture of nuclear weapons in violation of its Article II obligations, as noted in the 2005, 2010, and 2011 Reports. The issues underlying these findings remained unresolved as of the end of 2013.

### **Compliance Discussions**

The IAEA Board adopted its last resolution on Iran in September 2012. In 2013, the United States continued to support the IAEA's efforts to verify the exclusively peaceful nature of Iran's nuclear program and worked closely with the European Union and other P5+1 countries (China, France, Germany, Russia, and the United Kingdom) to resolve the issue.

Between January 2012 and May 2013, the IAEA held 10 meetings with Iran aimed at concluding a "Structured Approach" to address the outstanding PMD issues, but Iran failed to engage substantively. Following President Rouhani's election in June 2013, in meetings during September and October 2013, the IAEA and Iran agreed to develop a new approach. This was formalized in the "Joint Statement on a Framework for Cooperation" to resolve "all present and past issues" in a step-by-step process, which was signed on November 11, 2013. As a first phase under the Framework, Iran agreed to take six practical measures within an initial three-month phase following signature of the Joint Statement, including providing information with regard to the identification of 16 sites designated for the construction of nuclear power plants, clarifying its announcement regarding additional enrichment facilities, and further clarifying its announcement with respect to laser enrichment technology. None of the six steps, however, relates to the PMD concerns.<sup>3</sup> Therefore, while the United States views the Framework as opening the door to substantive cooperation, subsequent cooperation on all outstanding issues, particularly those directly related to PMD, will be critical.

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<sup>3</sup> The remaining steps are: Providing mutually agreed relevant information and managed access to the Gachin mine in Bandar Abbas, providing mutually agreed relevant information and managed access to the Heavy Water Production Plant, and providing information on all new research reactors.

On November 24, 2013, the P5+1 and Iran concluded a Joint Plan of Action (JPOA) as a first step designed to keep Iran's nuclear program from advancing further, while negotiations continue on a long-term comprehensive solution. The JPOA begins to address some of our most urgent concerns regarding Iran's nuclear program, including its enrichment capacity, enriched uranium stockpile, and prospective ability to produce plutonium at the IR-40 reactor. Moreover, the JPOA maintains the core sanctions infrastructure, particularly on Iran's oil and banking sectors; all UN Security Council resolutions remain in force as well. The JPOA was formally conveyed to the IAEA on November 27, 2013, noting the important role the IAEA will play in the verification of the nuclear-related measures. The P5+1 and Iran began implementing the JPOA on January 20, 2014.

The IAEA, the United States, and numerous other countries continue to urge Iran to cooperate fully with the IAEA to resolve all outstanding issues, including on the implementation of the Framework to address PMD; to fulfill its commitments pursuant to the JPOA; and to implement UN Security Council and IAEA Board of Governors' resolutions, the Additional Protocol, and modified Code 3.1. Iran has continued to maintain that its nuclear program is peaceful and to reject concerns regarding its nuclear activities and lack of full cooperation with the IAEA, but the JPOA provides for the first meaningful limits that Iran has accepted on its nuclear program in more than a decade. The United States has made clear many times that our top priority in these negotiations with Iran is to achieve a long-term comprehensive solution that provides confidence in the exclusively peaceful nature of Iran's nuclear program and prevents Iran from obtaining a nuclear weapon. As the JPOA takes effect, we will be extraordinarily vigilant in oversight of the verification and monitoring of Iran's actions that will be implemented by the IAEA.

## **NORTH KOREA**

### **FINDING**

In 2013, North Korea (the Democratic People's Republic of Korea, or DPRK) conducted a nuclear test and announced its intention to "adjust and alter" the uses of existing nuclear facilities. The United States assesses North Korea to have followed through on this announcement by restarting the 5 MW(e) plutonium production reactor and expanding the size of the uranium enrichment facility at its Yongbyon nuclear complex. North Korea's activities violate UN Security Council Resolutions (UNSCRs) 1718, 1874, 2087, and 2094, and contravene North Korea's



various international commitments under the 2005 Joint Statement of the Six-Party Talks. North Korea was in violation of its obligations under Articles II and III of the NPT and in noncompliance with its IAEA Safeguards Agreement at the time that it announced its withdrawal from the NPT in 2003.

## **BACKGROUND**

North Korea acceded to the NPT in 1985 and its Safeguards Agreement entered into force in 1992.

In 2003, North Korea announced its withdrawal from the NPT. In the September 2005 Joint Statement of the Six-Party Talks (which include China, Japan, North Korea, Russia, South Korea, and the United States), North Korea committed, *inter alia*, to abandoning all nuclear weapons and existing nuclear programs and returning, at an early date, to the NPT and to IAEA safeguards.

Previous editions of this Report have described violations by North Korea of its obligations under Articles II and III of the NPT and its Safeguards Agreement before it announced its withdrawal from the NPT in 2003, as well as North Korea's violations of its commitments under the 2005 Joint Statement. During the reporting period, North Korea did not take any concrete steps toward fulfilling its international obligations and commitments, including its obligation – pursuant to multiple UN Security Council resolutions – to abandon all nuclear weapons and existing nuclear programs in a complete, verifiable, and irreversible manner and immediately cease all related activities.

In November 2010, North Korean authorities disclosed to a visiting U.S. academic delegation of technical and regional experts ongoing construction of a light-water reactor (LWR) at Yongbyon, as well as what the North Korean authorities claimed to be an operational uranium enrichment facility. North Korean authorities stated that the enrichment facility contained about 2,000 centrifuges, which was consistent with the visitors' observations, and that the facility was operating and producing low-enriched uranium (LEU), which the scientists could not confirm.

In 2010, North Korea stated that the target completion date for the LWR was 2012, according to open-source reporting. However, in late 2011, a nongovernmental U.S. delegation was told that the LWR would not begin operations until 2013 or 2014. If successfully operated, the LWR could provide

North Korea with a relatively small source of electricity; North Korean officials refer to it as an experimental reactor, according to open-source reporting. However, the LWR provides the North with a justification to possess uranium enrichment technology that potentially could be used to produce fissile material for nuclear weapons.

On April 2, 2013, North Korea announced plans to “readjust” and “restart” “all” nuclear facilities at Yongbyon, including the uranium enrichment facility and the 5 MW(e) graphite-moderated reactor, “without delay.” The United States assesses that North Korea subsequently restarted the reactor, allowing North Korea to resume the process of producing weapons-grade plutonium.

## **COMPLIANCE ANALYSIS**

North Korea’s 2013 nuclear test and its continuing nuclear activities, as described above, are violations of the relevant UN Security Council Resolutions; the activities also are inconsistent with North Korea’s commitments under the 2005 Joint Statement of the Six-Party Talks. North Korea was in violation of its obligations under Articles II and III of the NPT and in noncompliance with its Safeguards Agreement before North Korea’s announced withdrawal from the NPT in 2003. States Party remain responsible under international law for any violations of a treaty committed before withdrawal.

North Korea’s third nuclear test, conducted on February 12, 2013, led to the adoption of UN Security Council Resolution (UNSCR) 2094. UNSCR 2094 built upon previous UNSCRs and imposed additional wide-ranging sanctions on North Korea to impede North Korea’s nuclear, ballistic missile, and proliferation activities. The Security Council’s unanimous adoption of the resolution demonstrated the international community’s unity in its condemnation of North Korea’s nuclear program and continued violation of UNSCRs.

### **Compliance Discussions**

The United States and North Korea last engaged in bilateral dialogue on North Korea’s nuclear program in February 2012. In 2013, the United States repeatedly urged North Korea to return to the Six-Party Talks and comply with its international commitments and obligations. North Korea refused to respond.

**SYRIA**

**FINDING**

Syria remains in violation of its obligations under the NPT and its Safeguards Agreement. Syria failed to declare and provide design information to the IAEA for the construction of the reactor at Al Kibar (also known as Dair Alzour), which was destroyed in an Israeli airstrike on September 6, 2007. Syria's clandestine construction of the Al Kibar reactor and its actions to hide other nuclear activities related to the reactor are in violation of Articles 41 and 42 of its Safeguards Agreement and its obligations under Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement.

**BACKGROUND**

Syria became a State Party to the NPT in 1968 and its Safeguards Agreement entered into force in 1992. It had not signed the Additional Protocol as of the end of 2013.

The IAEA Board of Governors first documented Syria's noncompliance with its Safeguards Agreement in June 2011 and referred the matter to the UN Security Council.

*Al Kibar Site.* The U.S. Government has concluded that, until September 2007, Syria covertly was building, with North Korean assistance, an undeclared nuclear reactor at Al Kibar (in the province of Dair Alzour) in Syria's eastern desert. Given its assessed design, the reactor would have been capable of producing weapons-grade plutonium. The reactor was destroyed on September 6, 2007, before it became operational. We assess that the reactor's intended purpose was the production of plutonium, because the reactor was not configured for power production, was isolated from any civilian population, and was ill-suited for research. Following the reactor's destruction, Syria went to great lengths to clean up the site and to destroy evidence of what had existed at the site. By December 2007, Syria had constructed a large building over the location where the reactor once stood.

The IAEA began investigating Syria's compliance with its Safeguards Agreement in April 2008, but despite repeated requests, was not allowed by Syria to send inspectors to visit the Al Kibar site until June 2008. On May 24, 2011, the

IAEA released a report that assessed the nature of the destroyed building at Al Kibar, concluding that the building was very likely a nuclear reactor and should have been declared by Syria pursuant to Articles 41 and 42 of its Safeguards Agreement and Code 3.1 of the Subsidiary Arrangements to its Safeguards Agreement.

During the reporting period, the IAEA continued to seek access and information to address outstanding issues related to the site, including the nature of the destroyed facility and the origin of chemically processed natural uranium particles found in samples taken at the site. (The particles were of a type not included in Syria's declared inventory of nuclear material.)

*The Three Related Sites.* Since 2009, the IAEA has asked Syria for access to three additional sites with possible functions related to Al Kibar. However, the IAEA has not publicly disclosed the location of the sites. During the reporting period, the IAEA continued to request access to these sites. Syria continued to maintain that the facilities are non-nuclear, and that it has no obligation to provide access to the additional locations.

An August 28, 2013 report from the IAEA Director General reiterated the IAEA's request for further discussions to address all outstanding issues related to Al Kibar and the other three locations. As of the end of the 2013 reporting period, Syria had not complied with this request.

### **Compliance Discussions**

On June 9, 2011, the IAEA Board of Governors (BOG) adopted a resolution on Syria's implementation of its NPT safeguards. The resolution found Syria in noncompliance with its Safeguards Agreement and called upon Syria to sign and bring into force the Additional Protocol to its Safeguards Agreement.

The IAEA resolution also referred the matter to the United Nations Security Council. The UN Security Council met once in 2011, following the IAEA's referral, but took no action. The Security Council did not address Syria's nuclear activities in 2012 or in 2013. For the current reporting period, the IAEA stated there had been no new developments since its August 2012 report, and renewed its call to Syria to cooperate fully with the Agency in connection with unresolved issues related to the Dair Alzour site and the other locations.

## **TREATY ON OPEN SKIES**

The Treaty on Open Skies establishes a regime for the conduct of unarmed observation flights by States Parties over the territories of other States Parties. States Parties are allowed to utilize four types of sensors (optical panoramic and framing cameras, video cameras with real-time display, infra-red line-scanning devices, and sideways-looking synthetic aperture radar) during the observation flights. The Treaty was signed at Helsinki on March 24, 1992. The Treaty entered into force on January 1, 2002, and is of unlimited duration. As of December 31, 2013, 34 States Parties have signed and ratified the Treaty on Open Skies (Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Russia, the Slovak Republic, Slovenia, Spain, Sweden, Turkey, Ukraine, the United Kingdom, and the United States). The Open Skies Consultative Commission (OSCC), resumed meeting in the Fall 2013 session after U.S. officials brokered a solution to the long-standing impasse stemming from a disagreement between Turkey and Greece about the status and treatment of an application for accession to the Treaty by Cyprus.

This Report discusses compliance issues involving Russia and Belarus from January 1, 2013, to December 31, 2013.

### **COUNTRY ASSESSMENTS**

#### **RUSSIA AND BELARUS**

#### **FINDING – AIRSPACE RESTRICTIONS**

For over a decade, Russia has refused access for Open Skies observation flights in three areas: over Chechnya and nearby areas of southwestern Russia; below 3,600 meters (MSL) altitude in a 39 kilometer by 31 kilometer area over Moscow – an area known by Russian Air Traffic Control as the UUP-53 area; and along the border of Russia with the Georgian regions of South Ossetia and Abkhazia. In 2013, the Russia/Belarus Group of States Parties also refused access over certain military training locations during the September 20-29, 2013 Zapad joint exercise. Russia/Belarus did not approve portions of the mission plan proposed by Norway for that week which included overflight of the military training area. Norway cancelled the mission in protest. The Russian and

Russia/Belarus refusals directly impeded the ability of the United States to exercise fully its treaty rights and mission capability over Russia.

## **BACKGROUND**

Russia imposed restrictions over Chechnya in 2002 due to conflict in the area and purported safety of flight considerations; the restrictions remain in place, but Canada was able to conduct an observation flight over parts of Chechnya in September 2012. Since 2005, Russia has claimed that flight within UUP-53 over Moscow below 3,600 meters is prohibited due to safety of flight considerations. Since 2010, Russia also has claimed that flight over Russia within 10 kilometers of the border with the Georgian regions of South Ossetia and Abkhazia is prohibited by the Treaty. A provision in the Treaty prohibits flight within 10 kilometers of a non-state party. Russia claims that South Ossetia and Abkhazia are independent nations not party to the Treaty and therefore, flight within 10 kilometers of their borders is prohibited. No other party to the Open Skies Treaty agrees with the Russian position on the status of the Georgian regions of South Ossetia and Abkhazia.

Since April 2012, Georgia has not permitted Russian Open Skies overflights of Georgian territory, citing its decision to not allow such flights as a legal countermeasure in response to Russia's decision not to allow overflights within 10 kilometers of this portion of the Russia-Georgia border.

Norway attempted to conduct an observation flight over Russia and Belarus during the week of September 23-27, which coincided with the Zapad 2013 military exercise. The Norwegian mission flight plan included overflight of the Zapad exercise area (UMD187) in both countries. Russia and Belarus did not approve the portions of the flight plan over UMD187, citing the inability to clear the area. Norway cancelled the mission in protest.

## **COMPLIANCE ANALYSIS**

*Airspace Restrictions Over/Near Chechnya.* Annex I of the Treaty states that State Parties shall provide "detailed information on all hazardous airspace." However, Article VI, Section II, Paragraph 2 states that a mission plan (provided by an observing State Party) "may provide for an observation flight that allows for the observation of any point on the entire territory of the observed Party, including areas designated by the observed Party as hazardous airspace . . ."

*Restrictions in UUP-53.* The altitude restrictions imposed by Russia over UUP-53 negatively impact the ability of States Parties to observe “any point on the entire territory of the observed Party, including areas designated by the observed Party as hazardous airspace,” using approved sensors. Paragraphs 1 and 2 of Article IV of the Treaty permit States Parties to use any of four sensor types to conduct observation flights, provided that the sensors are commercially available and comply with certain performance limits.

Per previous analysis, the United States confirmed that UUP-53 is large enough to prevent States Parties from observing all portions of the area from outside of it, even with wide field of view panoramic cameras. In addition, the aircraft of some of our partners, whose sensors can achieve the Treaty-allowed 30 centimeter resolution only when flying below 3,600 meters, continue to be unable to observe the UUP-53 territory due to the UUP-53 restrictions. Although the United States is able to obtain Treaty-allowed resolution imagery of the territory under UUP-53 airspace using its higher-altitude KA-91C panoramic cameras, weather permitting, its KS-87E framing camera is unable to achieve the Treaty-allowed resolution of 30 centimeters when operated above 3,600 meters. When flying on partner aircraft, the United States is unable to obtain Treaty-allowed resolution imagery within UUP-53.

*Restrictions Along the Russia-Georgia Border.* Section II of Paragraph 2 of Article VI of the Treaty prohibits flight within 10 kilometers of a non-State Party. In 2010, Russia invoked this provision of the Treaty and declared that it would not allow flights by any States Parties within the 10-kilometer corridor of Russia where it borders the regions of South Ossetia and Abkhazia, on the basis that it considers South Ossetia and Abkhazia to be independent nations that are not Parties to the Treaty. No other Party to the Open Skies Treaty agrees with the Russian position on the status of the Georgian regions of South Ossetia and Abkhazia.

Georgia is a State Party to the Treaty, and South Ossetia and Abkhazia are recognized as part of Georgia by all States Parties except Russia. All States Parties except Russia take the view that flights within 10 kilometers of the continuous, internationally-recognized border of Russia with Georgia, including South Ossetia and Abkhazia, are permitted.

As of December 31, 2013, restrictions on flights over Chechnya, UUP-53, and Russian territory within 10 kilometers of the Georgian regions of South Ossetia and Abkhazia were still in effect.

*Airspace Restrictions Associated with Military Exercises.* In 2013, Russia and Belarus did not approve Norway's Open Skies flight plan over territory involved in the Zapad military exercise, citing "an inability to clear the area." It appears that Russia and Belarus did not want this exercise to be observed during an Open Skies overflight. It is unclear whether such restrictions will be imposed during future military exercises.

### **Compliance Discussions**

The airspace restriction issues identified above have been raised by the United States and others multiple times in the OSCC and by the United States in U.S.-Russian bilateral consultations at the working level and the Under Secretary level. However, they continue to remain unresolved.

Regarding the restrictions related to the UUP-53 area, the United States ensures that this issue remains on the agenda of the Informal Working Group on Rules and Procedures in the OSCC.

Repeated U.S. statements on Russia's noncompliance relating to the 10-kilometer restriction along the Georgian border have not changed Russia's position.

Norway raised the airspace restriction over the UMD187 area during the joint Zapad 2013 military exercise in the OSCC, and Belarus responded that such restrictions were related to flight safety due to live-firing activities.

In the OSCC, the United States continued to oppose any airspace restriction inhibiting an observing Party's right to observe any point on the observed Party's territory.

The United States will continue to press Russia and work with other States Parties through diplomatic channels, including the OSCC, to urge Russia to remove, modify, or reduce its UUP-53 prohibited area and to abandon airspace restrictions over/near Chechnya, near the Georgian border or during future military activities and thereby to allow full territorial observation of Russian territory. We



also will press Belarus and work with other States Parties through diplomatic channels, including the OSCC, to urge the Russia/Belarus Group not to impose airspace restrictions during future military activities.

## **RUSSIA**

### **FINDING – FAILURE TO PROVIDE PRIORITY FLIGHT CLEARANCE**

In 2013, Russia continued to not provide priority flight clearance for Open Skies flights. As a consequence of Russian Air Traffic Control (ATC) system's failure to ensure priority flight clearance, airspace restrictions continued to be imposed on Open Skies Treaty mission flights that impeded the United States' ability to exercise its Treaty rights and U.S. mission capability over Russia.

### **BACKGROUND**

Each Open Skies mission flight plan is subject to negotiation and acceptance by the observed party. Russian Air Traffic Control authorities impose a 20-minute departure window based on the approved flight plan for each Open Skies Treaty mission. Lack of adequate pre-flight ground support, namely de-icing activity, has caused delays that jeopardize our ability to depart within the small window of time approved for the flight plan.

Since at least 2011, U.S. and partner Open Skies missions have not always received priority handling by Russian Air Traffic Control (ATC). Twice, once in 2011 and once in 2012, Russian ATC refused clearance at the last minute for a mission to proceed on its approved route on the grounds of competing VIP air traffic movements. This resulted in the cancellation of the 2011 mission and a segment of the 2012 mission.

Prioritization again was an issue in November 2013, when Russian ATC handling and ground support officials at Khabarovsk delayed the U.S. team by 15 minutes and then refused to delay the start of the 20-minute departure window. In part, this was due to the late arrival of Russian de-icing equipment as well as the late removal of Russian aircraft boarding stairs and ground power. The Russian ATC Authority also held the U.S. mission prior to takeoff so that regular commercial air traffic could land first.

## **COMPLIANCE ANALYSIS**

Article VI of the Treaty states that Open Skies flights “shall take priority over any regular air traffic,” and that the observed Party “shall ensure its air traffic control authorities facilitate the conduct of observation flights in accordance with this Treaty.” Failure by the observed State Party to implement this provision can result in the cancellation of flight segments, which in turn can hamper an observing State Party’s ability to conduct an observation flight that allows for the observation of any point on the entire territory of the observed State Party.

Loss of flight segments due to Russian ground support delays and subsequent ATC flight denials (for flights that did not depart within the 20-minute window) have a negative impact on mission achievement. Russian ATC should be more flexible, especially in cases where Russian-provided ground support services are the cause of the delay. Russian ATC procedures should be consistent with Treaty provisions, so that all States Parties can exercise their Treaty rights for take-off according to the agreed Mission Plan.

### **Compliance Discussions**

Senior State and Department of Defense officials have raised the issue with their counterparts, including in a May 2013 letter to the Chief of the Foreign Military Cooperation Directorate of the Russian MOD and in a December 2013 meeting in Vienna with the Russian Head of the Nuclear Risk Reduction Center.

## **FINDING – AIRFIELD CLOSURES IN SUPPORT OF HOLIDAYS**

Although Russia’s 2013 airfield closures for extended holiday periods did not affect a U.S. Open Skies observation mission directly, they had a direct impact on two observation flight missions by Allies. Russia appears to maintain its previously-stated position that its military airfields are closed for holidays and that it is unable to host missions on those days. These airfield closures are inconsistent with the Treaty’s provisions in Article VI relating to mission planning, which do not provide for such closures.

## **BACKGROUND**

In 2012, Russia’s designation of May 1 and May 9, 2012 as holidays and subsequent closure of military airfields for a total of nine days between late April

and early May 2012 for the holidays resulted in the United States being forced to compress its mission timeline. In 2013, Russia again announced back-to-back holiday closures.

For 2013, Russia announced via an Open Skies Format 35 message (miscellaneous notification) sent in November 2012, two sequential weekends in May where Labor Day and Victory Day holidays would occur. Russia's announced holiday dates, May 1-5 and May 9-12, 2013, resulted in two back-to-back weeks where overflight missions would be negatively impacted. In this case, Hungary and Canada were scheduled to conduct a shared mission in Russia during that two-week period. Poland (with a mission scheduled in late April) agreed to coordinate with Hungary and Canada so that both observation missions could be completed prior to the holiday period.

## **COMPLIANCE ANALYSIS**

While States Parties generally try to avoid conducting observation flights on national holidays, the Treaty does not address restricting observation flights during national holidays. To our knowledge, Russia is the only State Party to have refused access to Open Skies airfields because of a holiday.

In practice, no State Party conducts Open Skies flight operations between mid-December and the end of January due to winter holidays and prevailing inclement weather. Russia, subject to receiving as many as 42 flights under the Treaty annually, usually receives a flight every week between the beginning of March and the end of November. Russia's practice in both 2012 and 2013 of closing airfields during holidays in early May essentially prevents missions from taking place for a two-week period. It is difficult to reschedule flights that conflict with or are cancelled due to holidays. Additionally, as in the case with Poland, Hungary, and Canada, compressing two missions into one week reduces flexibility and the opportunity to conduct a full mission. Although the United States was not directly affected in 2013, the potential exists for the United States to experience the same scheduling conflict in future years, based on Russia's past practice of closing airfields during holidays.

### **Compliance Discussions**

Despite considerable effort by other States Parties to extend the customary courtesy to accommodate Russia's holiday schedule in the middle of the flying

season, this extended holiday period in early May has a negative impact on States Parties' ability to exercise their Treaty rights. The United States has addressed this issue bilaterally with Russia, including in the aforementioned May 2013 letter. Additionally, the United States has previously raised objection to this practice during informal meetings of the OSCC.

## **FINDING – FIRST GENERATION DUPLICATE NEGATIVE FILM**

Russia continues to be unable to provide a first generation duplicate negative of processed photographic film from Open Skies flights, as required by Sections II and IV of Article IX of the Treaty on Open Skies.

## **BACKGROUND**

Consistent with the rights established in Sections II and IV of Article IX of the Treaty, the United States has requested that Russia provide duplicate negative film of imagery collected during Russian observation flights over the United States. Russia continues to provide only duplicate positive film because its media processing facility is not capable of producing a first generation duplicate negative.

## **COMPLIANCE ANALYSIS**

Section II of Article IX of the Treaty provides that when only one original film negative is developed, the observed Party has the right to select and receive a complete first generation duplicate or part thereof, either positive or negative, of the original film negative. Additionally, Section IV of Article IX of the Treaty provides that each State Party shall have the right to request and receive from the observing Party, copies of data collected by sensors during an observation flight, including duplicate negative film.

Consistent with the rights established in Sections II and IV of Article IX of the Treaty, the United States has requested that Russia provide duplicate negative film of imagery collected during Russian observation flights over the United States. However, in each case, Russia was able to provide only duplicate positive film because its media processing facility was not capable of producing a duplicate negative. Consequently, the United States was not able to exercise its rights under Sections II and IV of Article IX. The result of the observation flight analysis is not optimal since analysis of a duplicate negative copy usually provides better results than a duplicate positive copy.

**Compliance Discussions**

The United States first raised its concerns regarding Russia's film duplication capability and Russia's inability to produce first generation duplicate negatives in August 2007, at which time Russia acknowledged that its film processing system needed to be improved and stated that it was undertaking modernization efforts.

There were no discussions of this issue with Russia in 2013, and no changes in Russian capabilities in 2013. However, since Russia commenced its transition to digital sensors in 2013, it may have decided to forego acquiring the equipment needed to make first-generation duplicate negatives.

## **PART IV: OTHER NATIONS' (INCLUDING SUCCESSOR STATES') COMPLIANCE WITH THEIR INTERNATIONAL COMMITMENTS**

### **MISSILE NONPROLIFERATION COMMITMENTS**

The Missile Technology Control Regime (MTCR) and the Hague Code of Conduct Against Ballistic Missile Proliferation (HCOG; originally known as the International Code of Conduct Against Ballistic Missile Proliferation (ICOC)) are the key multilateral mechanisms addressing the proliferation of missiles and missile-related technology. In addition, the United States holds frequent bilateral discussions on nonproliferation issues, often with states that are not members of or parties to multilateral regimes. The United States has sought and received separate, bilateral political nonproliferation commitments from nations to limit their missile proliferation activities that are addressed below.

*Missile Technology Control Regime.* The MTCR is a voluntary arrangement among Partner countries sharing a common interest in controlling missile proliferation. The MTCR is not a treaty and it does not impose legally binding obligations on participating countries. Rather, it is an informal political understanding among states that seek to limit the proliferation of missiles and missile technology. The MTCR Partners control exports of a common list of controlled items (the MTCR Equipment, Software, and Technology Annex, also referred to as the MTCR Annex) according to a common export control policy (the MTCR Guidelines). The Guidelines and Annex are implemented according to each country's national legislation and regulations. Membership in the MTCR has grown steadily since the Regime's creation in 1987, and 34 countries are now members.

*Hague Code of Conduct Against Ballistic Missile Proliferation.* On November 25, 2002, 93 countries launched the HCOG in The Hague, Netherlands. As of December 31, 2013, a total of 136 countries had subscribed to the HCOG. The HCOG intends to create a widely subscribed international predisposition against ballistic missile proliferation. The Code consists of a set of broad principles, general commitments, and modest confidence-building measures. It is a voluntary political commitment, not a treaty, and is open to all countries. The Code is intended to supplement, not supplant, the MTCR.

**COUNTRY ASSESSMENT**

**CHINA**

**FINDING**

In 2013, Chinese entities continued to supply missile programs in countries of concern. The United States notes that China made a public commitment in November 2000 not to assist “*in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons (i.e., missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers).*”

## **MORATORIA ON NUCLEAR TESTING**

By September 1996, each of the nuclear-weapon States (NWS) under the Nuclear Non-Proliferation Treaty (NPT) – China, France, Russia, the United Kingdom, and the United States – had declared a nuclear testing moratorium and had signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which has not yet entered into force. The scope of each moratorium has not been publicly defined. While it is difficult to assess the compliance of a given state with its own moratorium, when the scope or meaning of a moratorium is unclear, U.S. assessments are based on the U.S. position of what constitutes a nuclear explosive testing moratorium.

The United States currently defines its own nuclear testing moratorium as a commitment not to conduct “nuclear explosive” tests.