

**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 transmitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended (22 U.S.C. § 2593a), which requires that the President submit a report each year on *Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments*.

SCOPE OF THE REPORT

This Report assesses U.S. compliance with arms control, nonproliferation, and disarmament agreements in 2023, as well as the compliance and adherence of other states to arms control, nonproliferation, and disarmament agreements and commitments, including confidence-and security-building measures (CSBMs) and the Missile Technology Control Regime (MTCR), to which the United States is a participating State.

The issues addressed in this Report primarily reflect activities from January 1, 2023, through December 31, 2023. This Report recounts as much information as possible at the unclassified level. However, certain information, including some compliance and adherence findings and concerns, may be addressed only in the SECRET or TOP SECRET annexes to this Report.

ADHERENCE AND COMPLIANCE

Effective arms control requires countries to comply fully with arms control obligations and commitments. In evaluating any country's compliance with its arms control, disarmament, and nonproliferation obligations, the United States considers a variety of factors. These include the nature and precise language of the obligations undertaken, interpreted in accordance with international law, information regarding the country's activities, including that acquired by intelligence collection, cooperative verification measures, open source information, and diplomatic means – and any information provided by the country in question. The United States considers similar factors when evaluating adherence to political commitments, although such commitments are not binding under international law.

In this Report, the term “violation” refers to any action or omission by a State Party to an international agreement that has been determined by the United States to be contrary to that State Party's obligations under the agreement in question. Such violations may give rise to international legal remedies. Violations may also be described as findings of “non-compliance.” This Report uses the terms “violation” and “compliance” only in reference to obligations undertaken in legally binding international agreements. When discussing politically binding commitments, the Report uses the term “adherence” instead of “compliance.”

There can be legal or factual uncertainty as to whether a violation or non-adherence has occurred. Accordingly, this Report distinguishes between “violations” (or findings of “non-compliance” or “non-adherence”) and instances in which the U.S. Government has reason to believe that a state *may* not have complied with its obligation or commitment but factual or legal uncertainty remains, such that no determination has been reached. The Report refers to the latter category as “compliance concerns” or, for non-legally binding commitments, “adherence concerns.” There may be instances in which available information creates reason to be concerned about potential future violations of or non-adherence to relevant agreements or commitments. Where there is no information indicating a compliance or adherence concern during the reporting period, those instances are not covered by the present report, although the U.S. government closely monitors them for developments relevant to future reports.

When compliance and adherence concerns arise, the United States seeks, whenever possible, to address its concerns through diplomatic engagement. The United States also has a range of means to convince violators it is in their interest to return to compliance and to prevent violators from benefitting from their acts. The United States continues to pursue resolution of compliance and adherence issues with the States in question, as well as to assess the national security implications of these States’ actions and how best to respond.

U.S. Organizations and Programs to Evaluate and Ensure U.S. and Other Countries’ Compliance with and Adherence to Arms Control, Disarmament, and Nonproliferation Agreements and Commitments

The U.S. Department of State, in its role as the lead U.S. agency on arms control matters, is responsible for providing policy advice and legal expertise related to compliance and adherence. The Bureau of Arms Control, Deterrence, and Stability (ADS) leads this work. To do so, it relies on underlying factual evidence that is supplied by the Intelligence Community, along with interactions and communications with other countries. The U.S. Department of Defense’s compliance review groups oversee and manage DoD compliance with arms control, nonproliferation, and disarmament agreements and related commitments.

The Department of State prepares the annual Report, with the concurrence of the Director of National Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff. Further, the interagency conducts a review in appropriate cases where compliance or adherence issues emerge, including when other States formally raise concerns regarding U.S. implementation of its obligations. Finally, Congress performs oversight functions through committee hearings and budget allocations.

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

U.S. COMPLIANCE

In 2023, the United States continued to be in compliance with all of its obligations under arms control, nonproliferation, and disarmament agreements. When other countries have formally raised a legitimate compliance concern regarding U.S. implementation activities, the United States has carefully reviewed the matter to confirm its actions were in compliance with its obligations.

Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Chemical Weapons Convention or CWC)

The United States has completed destruction of its chemical weapons stockpiles – including all Category 1, 2, and 3 chemical weapons – as verified by the Organization for the Prohibition of Chemical Weapons (OPCW).

The United States has provided a full and complete declaration of its chemical weapons (CW) and associated CW facilities and continues to work toward completing the destruction of associated CW facilities, in accordance with its CWC obligations. Pursuant to the OPCW Conference of the States Parties (CSP) decision regarding “Final Extended Deadlines of 29 April, 2012,” the United States has provided a report and briefing to each regular session of the OPCW Executive Council, as well as to the CSP annually, on the progress towards the now-completed stockpile destruction.

The two CW destruction facilities in the United States, in Pueblo, Colorado and Blue Grass, Kentucky, completed destruction of the stockpile on June 22, 2023, and July 7, 2023, respectively.

The United States remains fully committed and will continue to work with the OPCW to complete verifiable destruction of the remaining waste material. The United States is committed to the safe closing of both chemical destruction facilities, while being consistent with the Convention’s imperatives of public safety, environmental protection, and international transparency and oversight.

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.

Convention on the Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Biological Weapons Convention or BWC)

All U.S. activities during 2023 were consistent with the obligations set forth in the Biological Weapons Convention (BWC). The United States continues to work toward enhancing transparency of biodefense work and effective national implementation of BWC obligations using the BWC confidence-building measures and a range of voluntary measures and initiatives. Additionally, the United States continues to be transparent about U.S. scientific and technical engagements and laboratory support, consistent with Article X, that improve the international community's capacity to detect, prepare for, and respond to disease outbreaks and other biological threats.

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.

Since 1992, the United States has maintained a moratorium on nuclear explosive testing and remains committed to assuring the safety, security, and reliability of its nuclear arsenal through a rigorous science-based stockpile stewardship program. For more than twenty years, the directors of the national security laboratories and the Commanders of U.S. Strategic Command have annually assessed that the nuclear stockpile is safe, reliable, and effective, and that there is no current need to conduct nuclear explosive tests to ensure stockpile reliability.

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)

All U.S. activities during the reporting period were consistent with the obligations set forth in the Treaty on Conventional Armed Forces in Europe (CFE). Russia's withdrawal from the CFE Treaty on November 7, 2023, coupled with its continuing full-scale war of aggression in Ukraine (another CFE State Party), constituted a fundamental change of circumstances with respect to the Treaty. Accordingly, consistent with its rights under international law, the United States fully and indefinitely suspended the operation of all CFE Treaty obligations between itself and every other State Party, effective December 7, 2023.

Treaty on the Non-Proliferation of Nuclear Weapons (Nuclear Non-Proliferation Treaty or NPT)

All U.S. activities during the reporting period were consistent with U.S. obligations under the NPT. The United States remains committed to all three NPT Pillars, the commitment to pursue good faith efforts towards disarmament progress, the pursuit of the highest nonproliferation standards, and the fulfillment of all of its obligations under the U.S. Voluntary Offer Agreement and U.S. Additional Protocol.

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 or NST)

The United States implemented its obligations under the NST during the reporting period, subject to lawful countermeasures adopted in March and June 2023 in response to the Russian Federation's violation of its obligations under the NST.

On February 28, 2023, the Russian Federation announced a legally invalid suspension of the NST and subsequently failed to implement key provisions of the treaty. The United States assessed that Russia's purported suspension is legally invalid, given that it is premised on an alleged U.S. material breach and the United States did not breach the NST, materially or otherwise. Because the purported suspension is invalid, Russia remains bound by its NST obligations, and its failure to implement those obligations violates the NST.

In response to Russia's violations, the United States adopted lawful countermeasures intended to encourage the Russian Federation to return to compliance with the NST. These countermeasures are fully consistent with all relevant requirements under customary international law, including prior notice, proportionality, and reversibility. The first countermeasure adopted by the U.S. was to withhold biannual data updates under the treaty, beginning with the biannual data update that would otherwise have been due on March 1, 2023. However, in the interest of strategic stability and to promote transparency, on May 15, 2023, the United States publicly released U.S. aggregate data corresponding to the NST central limits as of March 1, 2023.

On June 1, 2023, the United States adopted three additional countermeasures: 1) withholding notifications required under Article VII(2) of the NST and Part Four of the Protocol; 2) refraining from facilitating NST inspection activities on U.S. territory, including revoking the diplomatic clearance number for Russia's inspection airplane and revoking visas issued to Russia's NST inspectors and air crew members; and 3) withholding the provision of telemetric information from launches of U.S. intercontinental ballistic missiles (ICBMs) and submarine-launched ballistic missiles (SLBMs). Russia refused to meet in the Bilateral Consultative Commission (BCC) to reach an agreement on the number of launches for exchange of telemetric information.

The United States continues to provide Russia with pre-launch notifications of ICBM and SLBM launches in accordance with the 1988 Ballistic Missile Launch Notification Agreement and notifications of heavy bomber exercises in accordance with the 1989 Agreement on Reciprocal Notification of Major Strategic Exercises. Both agreements remain in force independent of New START.

The United States has conveyed its desire and readiness to reverse its countermeasures and fully implement the NST if and when Russia returns to compliance with its NST obligations. The United States has not taken a countermeasure with respect to the NST central limits, and remains in full compliance with the those limits.

**PART II: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL,
NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING
TO NUCLEAR ISSUES**

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

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 pursuant to paragraph (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 (a)(10) Report"), and appended to this Report.

NUCLEAR NON-PROLIFERATION TREATY (NPT)

This chapter of the Report covers developments relevant to other States' compliance with the 1968 Treaty on the Non-Proliferation of Nuclear Weapons (Nuclear Non-Proliferation Treaty or NPT), including their compliance with the obligation under Article III of the NPT to accept safeguards, fulfilled by concluding and implementing a Comprehensive Safeguards Agreement (CSAs) with the International Atomic Energy Agency (IAEA).¹ This chapter also addresses, where relevant, the status of countries' efforts to conclude and implement a modified Small Quantities Protocol (SQP) to their CSA and their efforts to conclude and implement an Additional Protocol (AP) to their CSA.²

As of the end of 2023, there were four non-nuclear-weapon States (NNWS) Parties to the NPT that had not yet brought into force a CSA with the IAEA.³ Although the CSA was designed to meet the requirements of the NPT, the AP in combination with the CSA is now widely considered to be the *de facto* standard for achieving the NPT's safeguards objectives. The AP 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, and thereby to provide assurances that the NPT NNWS Parties have met their NPT obligation to place all nuclear material in peaceful uses under IAEA safeguards. The United States supports universal adoption of the AP by States Parties to the NPT, and believes that AP adherence is essential to ensuring the effectiveness and credibility of IAEA safeguards. As of the end of 2023, 141 States Parties had an AP in force.

Additional information on country assessments may be provided at a higher classification.

See previous years' reports for additional compliance history and background information.

¹ Article III of the NPT requires each NPT non-nuclear-weapon State (NNWS) Party to accept safeguards "for the exclusive purpose of verification of the fulfillment of its obligations assumed under [the] Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices." Concluding and implementing a CSA with the IAEA fulfills this obligation. In the case of a State with very limited quantities of nuclear material, the State also may enter into a Small Quantities Protocol (SQP) to the CSA that reduces the safeguards implementation burden for such States.

² The Model Protocol Additional to the Agreement(s) between State(s) and the International Atomic Energy Agency for the Application of Safeguards (AP) was developed in 1997 to provide the IAEA with broader access to information and locations, and thereby to increase the IAEA's ability to provide assurance of the absence of undeclared nuclear material and activities in States Parties. With a supermajority of NPT States Parties now implementing APs, the combination of a CSA together with an AP has become the *de facto* standard for achieving the safeguards objectives of the NPT.

³ According to the IAEA, the NPT States Parties without a CSA in force as of November 22, 2023, are as follows: Equatorial Guinea, Guinea, Somalia, and Timor-Leste.

COUNTRY ASSESSMENTS

BURMA

FINDING

The available evidence does not support a conclusion that Burma violated the NPT in 2023; however, the United States remains concerned about Burma's lack of transparency regarding past nuclear work. The details of those concerns are presented in previous Compliance Reports, in particular those published in 2011 and 2012.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

There are no new compliance concerns to report in 2023.

ANALYSIS OF COMPLIANCE CONCERNS

There is no new analysis to report in 2023.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

The United States continues to call upon Burma to complete the work necessary to bring its AP into force and a modified SQP into force, under which Burma would be required to take actions and offer cooperation that would help to address existing U.S. concerns. The United States also continues to prepare and plan internally on how to work efficiently with a future civilian government in Burma to help resolve concerns about Burma's lack of transparency regarding past nuclear work.

ISLAMIC REPUBLIC OF IRAN (IRAN)

FINDING

During the 2023 reporting period, Iran continued to expand its uranium enrichment activities and stock of enriched uranium, including by further deploying advanced centrifuges. Iran's enriched uranium stockpile and the enrichment efficiency of its centrifuges are key factors in the amount of time the United States assesses would be required for Iran to produce enough fissile material for a nuclear weapon should Iran decide to build one. The United States continues to assess that Iran is not currently undertaking the key nuclear weapons-development activities that we assess would be necessary to produce a testable nuclear device. If Iran were to manufacture or otherwise acquire a nuclear weapon, or seek or receive assistance in the manufacture of a nuclear weapon or nuclear explosive device, such actions would violate its obligations under Article II of the NPT.

As reported by the IAEA with respect to implementation of Iran's CSA, the Agency's concerns regarding possible undeclared nuclear material and activities in Iran remain outstanding, as of the end of the reporting period. The United States has previously reported that Iran's continued failure to fully cooperate with the IAEA's ongoing safeguards investigations raises concerns with regard to Iran's compliance with its obligation to accept safeguards under Article III of the NPT. The United States' concerns have increased over time as Iran continued to fail to provide the cooperation required under its CSA.

CONDUCT GIVING RISE TO COMPLIANCE/ADHERENCE CONCERNS

Iran became a State Party to the NPT in 1970, and its CSA entered into force in 1974. Iran signed, but did not ratify, an AP in 2003 and implemented its measures from late 2003 to early 2006, and, pursuant to its commitment to provisionally apply the AP under the Joint Comprehensive Plan of Action (JCPOA), from 2016 to early 2021.

IAEA NPT Safeguards Reports – Compliance Concerns Related to Iran's Safeguards Obligations

As of the end of the reporting period, the IAEA continued to investigate outstanding safeguards issues related to what the IAEA assesses were possible undeclared nuclear material and activities in the 2003 timeframe at two undeclared locations (Turquzabad and Varamin) in Iran, where in 2019 and 2020 the IAEA detected chemically processed uranium particles. Based on the IAEA's technical analysis, including evaluation of all safeguards-relevant information, the IAEA has reported the continued need for required clarifications from Iran related to the two locations.

Throughout the reporting period, the IAEA Director General (DG) reported that unless and until Iran provides technically credible explanations for the presence of uranium particles of anthropogenic origin at the two outstanding undeclared locations and informs the Agency of the current location(s) of the nuclear material and/or the contaminated equipment, the Agency will not be able to confirm the correctness and completeness of Iran's declarations under its CSA and, therefore, will not be in a position to provide assurance that Iran's nuclear program is exclusively peaceful. The DG reiterated that the outstanding safeguards issues stem from Iran's obligations under its NPT Safeguards Agreement.

For the early part of the reporting period, the IAEA also continued its investigation into a third undeclared location in Iran, known as Marivan. In March, Iran provided a possible explanation for the presence of depleted uranium particles at Marivan, and the IAEA DG confirmed in a May 31, 2023, report that, while the IAEA's assessment of the undeclared nuclear-related activities previously undertaken by Iran at Marivan remains unchanged, "the Agency no longer regards the matter as outstanding at this stage."

Despite exchanges between the IAEA and Iran throughout the reporting period, the DG reported that as of November 2023, Iran still had not provided technically credible answers to the IAEA's questions regarding Turquzabad and/or Varamin.

Failure to Provide Preliminary Design Information as Required Under Modified Code 3.1 of the Subsidiary Arrangements to Iran's CSA

As reported by the IAEA, information published to the Atomic Energy Organization of Iran (AEOI)'s website in June 2023 indicated that Iran had decided on locations for the construction of new nuclear facilities. However, as of the end of the reporting period, the IAEA reported that Iran failed to provide the IAEA with preliminary design information as required under modified Code 3.1 of the Subsidiary Arrangements to Iran's CSA. In a November 1, 2023, letter to the IAEA, Iran stated that "implementation of modified Code 3.1 is suspended." The DG has reported that it is Iran's obligation to implement modified Code 3.1, and that this obligation cannot be suspended or unilaterally modified by Iran. The United States has made clear that Iran is required to provide preliminary design information under modified Code 3.1. As of the end of the reporting period, the issue remains unresolved.

De-Designation of IAEA Inspectors

In a September 16, 2023, letter to the IAEA, Iran informed the Agency of its decision to withdraw the designation of several IAEA inspectors assigned to Iran, effectively prohibiting those specific inspectors from working in Iran. The DG reported that although the measure is not prohibited by Iran's CSA, "Iran's sudden withdrawal of previously agreed designations for several Agency inspectors adversely affects the Agency's ability to conduct inspections and risks impeding the conduct of inspections as described in Article 9(a)(iii) of Iran's NPT Safeguards Agreement." As of the end of the reporting period, there have been no further developments with respect to Iran's withdrawal of designation for the affected inspectors.

Enrichment and Stockpile of Uranium-235

Iran's stockpile of enriched uranium continued to expand during the reporting period. As of October 28, 2023, Iran's total enriched uranium stockpile was 4,130.7 kilograms in the form of uranium hexafluoride (UF₆).

Iran continued to produce low-enriched uranium of 2 and 5 percent U-235. As of October 28, 2023, Iran also produced 567.1 kilograms of uranium (in the form of UF₆) enriched up to 20 percent U-235 and 128.3 kilograms enriched up to 60 percent U-235, representing an increase of 180.7 kilograms and 66 kilograms, respectively, from the previous year.

The production of enriched uranium does not constitute a violation of the NPT. However, Iran's growing stockpile of highly-enriched uranium and use of advanced centrifuges are key factors in the length of time it would take for Iran to produce enough fissile material for a nuclear weapon, if a political decision was made to do so.

Production of Uranium Metal

No uranium metal was produced by Iran during the reporting period.

Cessation of Additional Protocol Implementation and JCPOA Verification and Monitoring

Iran notified the IAEA in a letter dated February 15, 2021, that it would halt the implementation of the transparency measures under the JCPOA, including provisional application of the AP to

Iran's CSA and other JCPOA verification and monitoring measures, effective February 23, 2021. In June 2022, Iran requested that the IAEA remove JCPOA-related equipment that was "utilized beyond Iran's CSA commitments," including monitoring cameras, the On-Line Enrichment Measurement Devices at the Natanz fuel enrichment plant, and the flow meters at the Heavy Water Production Plant.

Following a March 4, 2023, Joint Statement between IAEA DG Rafael Grossi and Iranian Vice-President Mohammad Eslami, Iran agreed to allow the IAEA to implement certain verification and monitoring activities on a voluntary basis. The IAEA installed monitoring cameras at the Esfahan workshop in May, however, the Agency does not have access to the data recorded by those cameras. The IAEA also installed Enrichment Monitoring Devices at the Natanz and Fordow uranium enrichment plants in late April and early May, but they have not yet been commissioned for operation.

The IAEA DG reported in November 2023 that as a consequence of Iran's limitations to the Agency's monitoring and surveillance activities, the IAEA would not be able to re-establish continuity of knowledge in relation to the production and inventory of centrifuges, rotors and bellows, heavy water and uranium ore concentrate in the event of a full resumption of implementation by Iran of its nuclear-related activities under the JCPOA. As of the end of the reporting period, the issue remains unresolved.

Iran's cessation of implementation of its AP and the JCPOA's verification and monitoring measures does not violate its obligations under the NPT. However, IAEA DG Grossi has reported that the removal of certain IAEA equipment related to JCPOA verification and monitoring "has seriously affected the Agency's JCPOA-related verification and monitoring activities" and weakened the IAEA's ability to re-establish continuity of knowledge over certain elements of Iran's nuclear program, should Iran resume implementation of its nuclear-related JCPOA commitments.

ANALYSIS OF COMPLIANCE/ADHERENCE QUESTIONS

The United States continues to assess that Iran is not currently undertaking key nuclear weapons-development activities that it assesses would be necessary to produce a testable nuclear explosive device. If Iran were to manufacture or otherwise acquire a nuclear weapon or other nuclear explosive device, or seek or receive assistance in the manufacture of a nuclear weapon or nuclear explosive device, such actions would violate its obligations under Article II of the NPT.

At the end of the reporting period, outstanding concerns remained regarding Iran's implementation of its safeguards obligations and possible undeclared nuclear material and activities in Iran today, as evidenced by the IAEA's ongoing safeguards investigations. As of the end of the reporting period the IAEA continued to evaluate Iran's declarations under its CSA and investigate outstanding safeguards issues related to two undeclared locations in Iran where chemically processed uranium particles were detected by the IAEA in 2019 and 2020.

EFFORTS TO RESOLVE COMPLIANCE QUESTIONS AND NEXT STEPS

The United States remains committed to ensuring Iran does not acquire a nuclear weapon and will continue to work in coordination with allies and partners to provide the IAEA the support it needs to resolve these serious, outstanding safeguards matters. Since June 2020, the United States has supported three IAEA Board of Governors resolutions censuring Iran's failure to cooperate with the Agency's safeguards investigation, the most recent of which was adopted in November 2022.

In September and November 2023, the United States joined France, Germany, and the United Kingdom to deliver two joint statements to the Board that stressed the need for Iran's full compliance with its safeguards obligations and cooperation with the IAEA's ongoing safeguards investigation without further delay. In September 2023, they stressed that "Iran cannot continue to fail to meet its legal safeguards obligations," and urged Iran to act "without delay" to resolve all outstanding issues. The United States, France, Germany, and the United Kingdom emphasized that "if Iran fails to implement the essential and urgent actions contained in the November 2022 Resolution and the 4th March Joint Statement in full, the Board will have to be prepared to take further action in support of the Secretariat to hold Iran accountable in the future, including the possibility of a resolution."

In September 2023, the United States also led sixty-two other IAEA member states in a joint statement highlighting the Agency's ongoing investigation and underscoring "the urgent need for Iran to clarify and resolve these issues in a manner satisfactory to the IAEA."

The United States has publicly and privately underscored that Iran must immediately and fully cooperate with the IAEA and comply with the obligations under its CSA. Iran is obligated to provide the IAEA with required clarifications and access. The United States has made it clear that any diplomatic solution to Iran's nuclear program must be built on effective verification.

During 2023, the United States continued to engage in diplomatic efforts to address concerns regarding Iran's nuclear program. As of the end of the reporting period, no understanding to address those concerns had been reached.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK)

FINDING

The DPRK was in violation of its obligations under Articles II and III of the NPT at the time it announced its withdrawal from the NPT in 2003. The DPRK's continuing nuclear activities and recent official statements make clear it is also not adhering to its commitments in the 2018 Singapore Summit Joint Statement, the 2005 Joint Statement of the Six-Party Talks, or the 1994 Agreed Framework, and is in violation of its IAEA safeguards obligations as well.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

During a September 8, 2022, speech to the Supreme People's Assembly, DPRK leader Kim Jong Un declared the country's nuclear status "irreversible," decried nuclear negotiations, and derided sanctions as a tool to force denuclearization, according to state media. For the reporting period, a meeting of the Workers Party of Korea Political Bureau in June 2023 called on the DPRK to "reliably defend the sacred cause of the Juche revolution by increasing the production of powerful nuclear weapons." Kim was in attendance at the meeting.

Previous editions of this Report⁴ described DPRK violations of its obligations under Articles II and III of the NPT and its CSA before it announced its withdrawal from the NPT in 2003. The DPRK remains subject to IAEA safeguards obligations irrespective of its 2003 notice of withdrawal from the NPT. The DPRK remains in violation of its IAEA safeguards obligations in 2023.

Production Facilities

The DPRK continues fissile material production, according to IAEA reporting. In 2023, activities consistent with the 5 MWe reactor's operation at Yongbyon, including discharge of cooling water, have continued, according to the IAEA.

As of late August 2023, the IAEA reported no indication of reprocessing of irradiated fuel at the Yongbyon Radiochemical Laboratory.

Since 2012, the IAEA has noted activities consistent with the operation of a reported centrifuge enrichment facility, located at Yongbyon. In September 2021, construction began on a new annex to the building housing the reported centrifuge enrichment facility, according to the IAEA, which assessed the annex will increase the floor area of the building by about one third. The roof to the annex was installed in May 2022 and the annex is now externally complete, according to the IAEA.

For the reporting period, as of late August 2023, the IAEA observed indications that the reported centrifuge enrichment facility at Yongbyon continued to operate.

As of December 21, 2023, the IAEA assesses that the LWR is operational and has probably achieved criticality, offering another route through which the DPRK may obtain weapons grade plutonium (WGPu). For January through August 2023 the IAEA did not observe indications of an experimental LWR at Yongbyon was operating, though the IAEA did observe indications of possible testing of the cooling water systems. These observations were more frequent and lasted for longer duration than in previous years, according to the IAEA.

⁴ For example, please see "Adherence to and Compliance with Arms Control, Nonproliferation and Disarmament Agreements and Commitments" in 2005 and 2010.

For the reporting period, and consistent with IAEA observations in previous years, the IAEA reported ongoing indications of mining, milling and concentration activities at the Pyongsan Uranium Mine and Pyongsan Uranium Concentrate plant.

Testing

The DPRK has not conducted a nuclear test since its sixth nuclear test on September 3, 2017, which it claimed was of a “two-stage thermonuclear weapon.” In 2018, the regime claimed the northern test ground of the DPRK was completely dismantled. On January 19, 2022, Kim Jong Un publicly instructed relevant DPRK agencies to “promptly examine the issue of restarting all temporarily-suspended activities.”

In June 2022 the IAEA observed repair work on a washed out road connecting support areas to two tunnels at the Punggye-ri Nuclear Test site. This restoration was completed in 2022. As of late August 2023 the IAEA reports no significant activity in that area, with the exception of a small support structure added in April 2023.

ANALYSIS OF COMPLIANCE CONCERNS

The DPRK was in violation of its obligations under Articles II and III of the NPT before it announced its withdrawal from the NPT in 2003. The DPRK is also in violation of its IAEA safeguards obligations, as noted above.

Throughout 2023, the United States continued to have significant concerns regarding the DPRK’s nuclear weapons program and its continued production of fissile material.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

During the reporting period, in multilateral fora that include the UN General Assembly, the IAEA General Conference, and meetings of the IAEA Board of Governors, the United States was joined by countries from every region of the world in recognizing the threat the DPRK’s unlawful nuclear weapons program poses to international peace and security.

The goal of the United States remains the complete denuclearization of the Korean Peninsula. The United States harbors no hostile intent toward the DPRK. The United States is prepared to meet with the DPRK with no preconditions and continues to consult closely with the Republic of Korea, Japan, and other allies and partners about how to best engage the DPRK.

The United States has a vital interest in deterring DPRK aggression and limiting the risks posed by its dangerous and destabilizing weapons programs. The full expression of the abiding commitment of the United States to this end as well as its commitment to the security of its regional allies is embodied in the April 26, 2023, ‘Washington Declaration’ jointly issued by Republic of Korea (ROK) President Yoon and President Biden in which both reaffirmed the strong ties between the nations, their commitments to security on the Korean peninsula, and

the combined defense posture under the U.S.-ROK Mutual Defense Treaty, including the extended deterrence umbrella provided by the U.S. nuclear arsenal.

UN sanctions relating to the DPRK remain in place, and the United States will continue to implement them, including through diplomacy at the United Nations and with the DPRK's neighbors. The United States also employs domestic authorities to sanction entities involved in DPRK's unlawful ballistic missile and nuclear weapons programs. The United States remains engaged with the IAEA and welcomes the IAEA's efforts to enhance readiness to resume monitoring and verification activities in the DPRK.

SYRIAN ARAB REPUBLIC (SYRIA)

FINDING

Syria remains in violation of its obligations under Article III of the NPT. Given the IAEA's finding of particles of chemically-processed uranium compounds at al-Kibar in Deir Ezzour governorate and the IAEA's technical finding that the facility destroyed at al-Kibar was very likely a nuclear reactor that should have been declared to the IAEA by Syria, the United States remains concerned regarding whether any undeclared nuclear material might exist in Syria.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

Syria failed to declare and provide design information to the IAEA for the construction of the reactor at al-Kibar, which was destroyed in September 2007. However, there is no new compliance information to report in 2023.

ANALYSIS OF COMPLIANCE CONCERNS

Syria accepted safeguards, as set forth in an agreement with the IAEA for the exclusive purpose of verification of the fulfillment of its obligations assumed under the NPT with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. In accordance with its CSA, Syria is required to declare nuclear material, facilities, and activities to the IAEA as set forth in the agreement and to answer the IAEA's questions. The United States continues to judge Syria to be in violation of its obligations under Article III of the NPT. However, it has no new information to provide in 2023.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

The United States and likeminded partners continue to deliver strong national statements in the IAEA Board of Governors (BOG), at the first session of the Preparatory Committee for the 2026 NPT Review Conference, at the meetings of the UN First Committee, and in other multilateral fora, as well as to refute misinformation on the issue propagated by Russia, Syria, and Iran. The G7 Nuclear Non-Proliferation Directors Group expressed deep concern regarding

Syria's continued noncompliance in its April 17, 2023, statement and called on Syria to fully cooperate with the IAEA without further delay. The United States and a number of likeminded partners also called for continued reporting on Syria by the IAEA DG, and for maintaining Syria on the agenda for each quarterly BOG meeting.

The IAEA continues to monitor the site of the former al-Kibar reactor and other locations of safeguards relevance through commercial satellite imagery. The IAEA DG continues to produce an annual report on Syria and to provide an oral update on Syria at each BOG meeting. The DG's report dated August 31, 2023, maintains the IAEA's May 2011 assessment that the destroyed facility at al-Kibar was "very likely" a nuclear reactor that should have been declared to the IAEA pursuant to Articles 41 and 42 of Syria's CSA, and Code 3.1 of the Subsidiary Arrangements thereto. The report notes that the DG indicated in a May 2022 letter to Syria his willingness to pursue a renewed dialogue on unresolved safeguards issues. The report also notes that the DG sent a subsequent letter to Syrian Foreign Minister Miqdad in August 2023 reiterating his willingness to engage, including by visiting Damascus to "discuss and agree on a suitable arrangement that would allow Syria and the Agency to demonstrate their resolve to make progress on this matter." In order to increase public awareness of Syria's continued lack of cooperation and failure to respond to the DG's outreach, the United States requested, and the BOG agreed, to de-restrict the DG's latest report on Syria for the first time since 2014, making it publicly available on the IAEA's website.

The United States continues to support the IAEA's investigation of Syria's undeclared nuclear activities and the DG's efforts to reengage with Syria; to mobilize likeminded support for maintaining pressure on Syria to cooperate with the IAEA; and to work to ensure that the BOG and DG remain seized of the issue until Syria has fully cooperated with the IAEA to address all outstanding issues.

THRESHOLD TEST BAN TREATY (TTBT)

The Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Nuclear Weapon Tests, also known as the Threshold Test Ban Treaty (TTBT), was signed in 1974 with a Protocol signed in 1990. The Treaty entered into force in 1990. It establishes a nuclear testing “threshold” by prohibiting each Party from undertaking underground nuclear weapon tests having a yield exceeding 150 kilotons at any place under its jurisdiction or control, and it provides for notification and verification of testing activities.

Additional information is provided at a higher classification.

See previous years’ reports for additional compliance history and background information.

FINDING

There are no new compliance developments for 2023; however, previous reports have assessed that Russia has conducted supercritical nuclear weapons tests without TTBT notification since renewing its nuclear explosive testing moratorium in 1996, and concerns remain due to these past activities and the uncertainty and lack of transparency relating to Russia’s activities at Novaya Zemlya.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

Russia’s conduct since it renewed its unilateral nuclear explosive testing moratorium in 1996 raises compliance concerns with Russia’s TTBT obligation to notify nuclear weapons tests if it plans to conduct them.

ANALYSIS OF COMPLIANCE CONCERNS

A failure on the part of Russia to provide an accurate annual notification of planned nuclear explosive “tests,” as defined in the treaty, for the following calendar year, and to provide timely revised notifications as may be required, would prevent the United States from exercising its verification rights, as specified in paragraph 2(b) of Section III of the Protocol.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

The United States will engage with Russia, as appropriate, in order to address nuclear test site activities of concern relative to the treaty.

NUCLEAR TESTING MORATORIA

For the unclassified Compliance Report, no new adherence issues related to nuclear testing moratoria were identified. Due to the lack of transparency with regard to their respective nuclear testing activities and previously identified adherence issues, the United States remains concerned about the PRC's and Russia's adherence to their respective moratoria. See previous years' reports for adherence history and background information.

The United States will continue to engage with the PRC and Russia, as appropriate, in order to address these continued concerns. The United States emphasized the need for increased nuclear weapons-related transparency in a November 6, 2023, meeting on arms control and nonproliferation with PRC counterparts.

PART III: OTHER STATES' ADHERENCE TO MISSILE COMMITMENTS AND ASSURANCES

MISSILE TECHNOLOGY CONTROL REGIME (MTCR)

The MTCR is a voluntary arrangement among Partner governments 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. The MTCR Partners control exports of a common list of 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. The MTCR has no Regime-wide compliance or verification provisions.

Membership in the MTCR has grown steadily since the Regime's creation in 1987, and as of December 31, 2023, 35 countries are now members. In addition, several countries, including Cyprus, Estonia, Kazakhstan, and Latvia are recognized as unilateral adherents to the Regime.

See previous years' MTCR section of the Compliance Report for information and background on past bilateral missile commitments made between select countries and the United States.

**PART IV: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL,
NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING
TO CHEMICAL ISSUES**

CHEMICAL WEAPONS CONVENTION (CWC)

For a detailed discussion of other nations' compliance with their obligations under the Chemical Weapons Convention, see the Report on Compliance with the Chemical Weapons Convention, submitted pursuant to 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.

PART V: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING TO BIOLOGICAL ISSUES

BIOLOGICAL WEAPONS CONVENTION (BWC)

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (BWC or Convention) opened for signature in 1972 and entered into force in 1975.

As of the end of 2023, there were 184⁵ States Parties to the BWC and four signatory States for which the treaty is not yet in force, with South Sudan joining in February 2023. 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 streamlined in 2011. Submission of CBMs is a politically binding commitment, but not all States Parties routinely submit reports. CBM submission rates have continued to steadily increase for several years, finally climbing over 100 annual submissions in 2023.

The United States' definition of a state biological warfare program is a leadership-approved effort intended to acquire, develop, modify, produce, or retain biological warfare agents for use or potential use as a weapon. A biological warfare program would probably include one or more of the following:

- Researching, acquiring, developing, modifying, producing, retaining, or testing biological weapons (BW) agents and/or BW agent dispersal devices for use as a weapon;
- Facilities producing or intended to produce BW agents and/or BW agent dispersal devices for use as a weapon;
- Training, doctrine, or plans for use of BW agents as a weapon; and,
- Use or attempted use of a BW agent as a weapon.

Additional information on country assessments provided at a higher classification.

See previous years' reports for additional compliance history and background information.

⁵ On January 9, 2018, Palestinians deposited a purported instrument of accession to the BWC. On March 5, 2018, the United States submitted to the Depositaries for the BWC, a letter detailing U.S. objections to the purported accession of the "State of Palestine" to the BWC.

COUNTRY ASSESSMENTS

PEOPLE'S REPUBLIC OF CHINA (PRC)

FINDING

The PRC continued to engage in biological activities with potential BW applications, including possible development of toxins for military purposes, which raise concerns regarding its compliance with Article I of the BWC.

In addition, the United States does not have sufficient information to determine whether the PRC has fulfilled its BWC obligation to eliminate its assessed historical biological warfare program, as required under Article II of the Convention.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

The PRC became a State Party to the BWC in 1984, and has submitted BWC CBMs each year since 1989, including in 2023. The PRC's CBM reporting has never disclosed it ever pursued an offensive BW program, but the PRC had reportedly weaponized ricin, botulinum toxins, and the causative agents of anthrax, cholera, plague, and tularemia, as part of its historical BW program. Questions and concerns regarding PRC compliance with the BWC have been reported since the 1993 Report.

The PLA's research organizations have been conducting and directing military research related to dual-use marine toxins. The PRC's CBMs do not include information on marine toxin research conducted at PLA institutions.

ANALYSIS OF COMPLIANCE CONCERNS

PRC military medical institutions conducted toxin and biotechnology research and development with potential BW applications, which raises concern regarding the PRC's compliance with Article I of the BWC. Article I requires States Parties "never in any circumstances to develop, produce, stockpile, or otherwise acquire or retain ...[m]icrobial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes."

In addition, the United States assesses that the PRC possessed an offensive BW program from the early 1950s to at least the late 1980s. There is no available information to demonstrate that the PRC took steps to fulfill its obligations under Article II of the BWC, which requires the PRC to destroy or to divert to peaceful purposes all items specified in Article I of its past offensive BW program.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

In November 2023, the United States and the PRC met in Washington for bilateral discussions on arms control, and discussed compliance related issues. The United States also stressed the importance of not spreading false claims about U.S. biological threat reduction activities. The United States continues to engage the PRC about the implementation of its BWC obligations. The United States will continue to monitor and report, as well as pursue substantive bilateral engagement with the PRC, as well as raise awareness with partners on the PRC's biological activities in relation to its compliance with the BWC.

ISLAMIC REPUBLIC OF IRAN (IRAN)

FINDING

Iran's activities continue to raise concerns regarding its compliance with Article I of the BWC. The United States continues to assess that Iran has not abandoned its intention to conduct research and development of biological agents and toxins for offensive purposes. Iran maintains flexibility to use, upon leadership demand, legitimate research underway for biodefense and public health purposes for a capability to produce lethal BW agents; whether maintaining this flexibility is pursuant to decisions by leadership is unknown. The United States remains unable to differentiate some of Iran's public health research and biodefense activities from those that are prohibited under the BWC, complicating assessments of Iranian compliance.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

Iran became a State Party to the BWC in 1973. Its compliance with the Convention has been addressed every year since the 1993 Report. For further background on Iran's conduct giving rise to compliance concerns, see the Iran BWC section of the 2023 Compliance Report.

Iran has engaged in dual-use activities with potential for BW applications. Iranian biotechnology entities, particularly military-affiliated institutions, continued to pursue dual-use technologies. Open source reports note Iranian military-associated universities and affiliated research centers have conducted and continue to conduct BW-relevant projects on bioregulators.

The only CBMs submitted by Iran since 2011 were incomplete CBMs in 2016 and 2021. Previous Iranian CBM submissions asserted that Iran did not have a biodefense program, but "has carried out some defensive studies on identification, decontamination, protection, and treatment against some agents and toxins." Lack of reporting in CBMs contributes to uncertainty about the nature of this work.

ANALYSIS OF COMPLIANCE CONCERNS

Available information shows Iran engaged in activities that raise concern with regard to its Article I obligations under the BWC. Although it remains difficult for the United States to differentiate between some of Iran's public health research, pharmaceutical production, and biodefense activities allowed under the BWC from those that would be prohibited, the nature of Iran's sophisticated toxin research and production and its capability to produce lethal agents on demand raise concerns regarding Iran's compliance with its obligations under Article I of the BWC.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

There were no discussions during the reporting period between the United States and Iran regarding Iran's compliance with the BWC. The United States will continue to monitor Iran's activities as they relate to Iran's obligations under the BWC. As appropriate, the United States will continue to assess the feasibility of engaging Iran to clarify activity that may be inconsistent with the BWC.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK)

FINDING

The United States assesses that the DPRK has an offensive BW program and is in violation of its obligations under Articles I and II of the BWC. The DPRK is assessed to have had BW capabilities since at least the 1960s.⁶

The DPRK has an offensive BW program, and previous reporting illustrated that the DPRK had BW capabilities intended for use to counter U.S. and ROK military superiority.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

The DPRK continued its program despite having become a State Party to the BWC in 1987. The DPRK submitted a null CBM report in 1990, where it noted there was nothing relevant to report. It has failed to submit a report since 1990.

The United States assesses that the DPRK has a dedicated, national level offensive BW program.

The DPRK has the capability to produce biological agents for military purposes.

The DPRK has the technical capability to produce bacteria, viruses, and toxins that could be used as BW agents. The DPRK also has the capability to genetically engineer biological products

⁶ For additional information, please see the 2023 Compliance Report.

with technologies such as CRISPR, which have been reported by its State Academy of Sciences and other sources. Pyongyang probably is capable of weaponizing BW agents with unconventional systems such as sprayers and poison pen injection devices, which have been deployed by the DPRK for delivery of chemical weapons and could be used to covertly deliver BW agents.

The DPRK maintains biotechnology and conventional weapons production infrastructures that could support BW development, and it continues to improve its capabilities by collaborating with other countries on dual-use scientific topics or procuring biological equipment and materials.

ANALYSIS OF COMPLIANCE CONCERNS

DPRK's activities are in violation with respect to its obligations under Articles I and II of the BWC. Article I requires States Parties "never in any circumstances to develop, produce, stockpile, or otherwise acquire or retain...[m]icrobial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes." Article II requires States Parties to "destroy, or to divert to peaceful purposes" the BW items specified in Article I of the Convention.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

The United States will continue to monitor the DPRK's activities in relation to its obligations under the BWC. As appropriate, the United States will continue to assess the feasibility of engaging the DPRK on activities that violate its obligations under the BWC.

RUSSIAN FEDERATION (RUSSIA)

FINDING

The United States assesses that Russia maintains an offensive BW program and is in violation of its obligations under Articles I and II of the BWC. Russia continues to engage in activities prohibited by Article I of the BWC. Russia has not fulfilled its Article II obligation to destroy or to divert to peaceful purposes BW items specified under Article I of the Convention.

CONDUCT GIVING RISE TO COMPLIANCE CONCERNS

The Soviet Union became a State Party to the BWC in 1975. Russia's BWC compliance was first addressed in the 1993 Report, though 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 inherited the past offensive program of biological research and development from the Soviet Union. Russia has not ended all activities prohibited by Article I of the BWC or fulfilled its Article II obligation to destroy or to divert to peaceful purposes BW items specified under Article I of the Convention. Rather, the United States assesses that the Soviet program was absorbed, not dismantled, by the Russian Federation, and that the program has continued and evolved.

Russia's annual CBM submissions have consistently reported "nothing new to declare" with respect to its biodefense research and development programs. Russia is extensively modernizing Soviet-era biological warfare infrastructure that could support its present-day offensive program. The Ministry of Defense related – 48th Central Scientific Research Institute – has been undergoing multi-million dollar renovations that were publicly highlighted and endorsed by Russian Defense Minister Sergey Shoygu in 2021. Russia has never revealed the existence of or testing at these sites in its CBM submissions, despite the organization's continued sensitive research and development using biological agents and its leading role in the Soviet Union's offensive BW program.

ANALYSIS OF COMPLIANCE CONCERNS

Article I of the BWC requires a State Party "never in any circumstances to develop, produce, stockpile or otherwise acquire or retain... [m]icrobial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes," and Article II requires States Party to "destroy, or to divert to peaceful purposes" the BW items specified in Article I of a past offensive program.

While States Parties to the BWC have a political commitment to report a past offensive program, since Yeltsin's announcement in April 11, 1992, subsequent Russian CBM submissions have remained incomplete and misleading. Russia has provided an incomplete acknowledgment of the former Soviet program, has not furnished evidence of the dismantlement or cessation of key activities, and continues its ongoing secrecy efforts, including legislation criminalizing any disclosure of information about the former Soviet program. Key military biological facilities associated with the Soviet offensive program remain, inaccessible and not transparent, nearly 30 years after Yeltsin's decree. The available evidence indicates that Russia has not fulfilled its obligations under Article II to "destroy or divert to peaceful purposes" the BW specified in Article I of the Convention that it inherited from the Soviet Union. Instead, the knowledge and capabilities Russia has retained from its inherited program have enabled it to develop a highly capable state BW program, able to produce and deploy BW agents to support a range of military objectives.

Recent modernizations conducted at Russia's 48th Central Scientific Research Institute facilities also raise serious concerns about Russia's activities with respect to the BWC and Moscow's broader programmatic ambitions.

EFFORTS TO RESOLVE COMPLIANCE CONCERNS AND NEXT STEPS

In 2023, there were no discussions with Russia to discuss its BWC noncompliance. The United States will monitor Russia's BW program and will seek to engage Russia on its BWC obligations, as appropriate.

A more complete history of compliance concerns and engagements with Russia can be found in the 2022 and prior compliance reports.

PART VI: OTHER STATES' COMPLIANCE WITH AND ADHERENCE TO ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS PERTAINING TO CONVENTIONAL ISSUES

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 further developed and revised the commitments adopted in the previous four versions of the Vienna Document. The confidence- and security-building measures (CSBMs) adopted by the OSCE's Forum for Security Cooperation (FSC) and contained in VD11 and subsequent Vienna Document Plus decisions are political commitments, and are not legally binding upon the participating States.⁷

Throughout the reporting period, the Department undertook a proactive program of direct outreach to states in Central Asia and other regions to promote improved or new participation in this and other confidence-building regimes, and contemplates extending the effort to include additional chronic VD11 non-adherence cases reported below.

In 2023, Turkmenistan submitted its required VD11 annual reports on time, maintaining the positive strides made last year toward adhering to its commitments. In addition, Turkmenistan expressed political will towards achieving full adherence to other VD11 commitments, including the submission of defense planning information and hosting an air base visit in 2024. ADS will utilize all available multilateral and bilateral avenues to empower Turkmenistan by building necessary capacity for a complete return to VD11 implementation.

The 2023 Compliance Report (covering calendar year 2022) reported three findings with respect to Belarus' VD11 adherence: 1) the failure to notify an above-threshold military activity occurring on its territory in an accurate and timely manner, namely, the concentration of formations of Russian land forces preparing to attack Ukraine; 2) the failure to invite observers from all participating States to observe this military activity; and 3) the failure to "consult and cooperate" with participating States in good faith under the VD11 risk reduction mechanism invoked by Belarus' Baltic neighbors. The Baltic States requested information on exercise UNION RESOLVE concerning the number, disposition, and timetable for redeployment of forces situated near the Belarus-Ukraine border. Belarus adhered to all VD11 commitments in calendar year 2023, but adherence issues from calendar year 2022 remain unresolved.

⁷ As this report covers the period from January 1, 2023 to December 31, 2023, the annual VD11 exchange of data pertinent to the reporting period was held on December 15, 2022, for participating States with military forces in the VD11 zone of application to provide data effective as of January 1, 2023. In some instances, important developments reflected in data effective as of January 1, 2024 (provided as part of the annual exchange on December 15, 2023) are noted; in most cases, however, changes to adherence concerns based on this data will be included in next year's Report.

By the end of the 2023 reporting period, Armenia, Poland, Russia, and Tajikistan maintained the COVID-19-related pauses for some or all VD11 on-site activities. No participating States sought to conduct VD11 on-site verification activities on the territory of these four countries in 2023.

Additional information on certain country assessments is provided at a higher classification.

See previous years' reports for additional VD11 adherence history and background information.

COUNTRY ASSESSMENTS

REPUBLIC OF ARMENIA (ARMENIA)

FINDING

In 2023, Armenia did not adhere to VD11 commitments. In particular, Armenia did not provide annual VD11 data on its armed forces, nor any other required information or notifications. Armenia also did not notify at least one major military exercise or activity in calendar year 2023. Armenia has failed to submit its annual data since its last submission on December 15, 2019.

CONDUCT GIVING RISE TO ADHERENCE CONCERNS

In 2023, Armenia did not provide its annual VD11 submissions, including its annual military information and other required notifications. It last provided its military data effective as of January 1, 2020. In 2020, 2021, and 2022, Armenia notified a delay of unspecified duration in providing its VD11 data, citing its ongoing conflict with Azerbaijan as the cause. It has provided no further updates on the subject since and did not provide annual data on December 15, 2023.

Armenia reported on July 29, 2020, that it was not "in a position to accept military inspections by the Republic of Turkey and guest inspectors from Turkey" on its territory under the Vienna Document. Armenia's position may raise adherence concerns once it concludes its COVID-19 pause in inspections.

ANALYSIS OF ADHERENCE CONCERNS

Per VD11 paragraphs 9 and 10, participating States exchange annually information on their military forces in the zone of application not later than December 15 of each year. Armenia failed to provide its annual data on December 15, 2023.

Per VD11 Chapter II, paragraph 15, participating States exchange annually information on their defense policy and doctrine, force planning, previous expenditures, and budgets. Armenia did not provide this information in 2023, or indicate when the submission would be made if it was delayed.

Per VD11 Chapter VII, paragraphs 61 and 62, each participating State will either exchange an annual calendar of its military activities subject to prior notification or else notify the absence of such planned activity. Armenia failed to send either such notification.

Per the FSC's Vienna Document Plus Decision No. 9/12, participating States notify annually at least one major military exercise or activity if no military activity otherwise meets Chapter V notification thresholds.

U.S. Embassy Yerevan reported in December 2023 that Armenian MOD officials were engaged on Armenia's on-going non-implementation of VD11. Armenia stated that its continued non-adherence to its VD11 commitments is due to the ongoing conflict with Azerbaijan.

EFFORTS TO RESOLVE ADHERENCE CONCERNS AND NEXT STEPS

U.S. Embassy Yerevan reported that U.S. officials engaged Armenian MOD officials in 2023 on the topic of Armenia's on-going non-implementation of VD11. Recent diplomatic outreach suggests that Armenia does not intend to restart full implementation of VD11 in 2024, but it might be open to bilateral activities with specific partners.

REPUBLIC OF AZERBAIJAN (AZERBAIJAN)

FINDING

In 2023, Azerbaijan did not provide VD11 notification of at least one major military activity for the calendar year as required, despite having conducted a major military activity.

CONDUCT GIVING RISE TO ADHERENCE CONCERNS

On November 17, 2022, Azerbaijan stated it "does not plan to organize any military activity according to Paragraph 61 of VD11 for calendar year 2023. The main military activity below notification thresholds will be notified as soon as this information will be available."

The Azerbaijan Ministry of Defense (MoD) website referenced one exercise conducted in 2023 that appeared to be eligible for notification: MUSTAFA KEMAL ATATURK 2023 – a national-level exercise started on October 23.

ANALYSIS OF ADHERENCE CONCERNS

Per the FSC's Vienna Document Plus Decision No. 9/12, participating States will notify annually at least one major military exercise or activity if no military activity otherwise meets VD11 Chapter V notification thresholds.

Even if Azerbaijan concluded that its 2023 exercises were not subject to Chapter V notification under VD11 because they did not meet the notification thresholds, Azerbaijan should have reported at least one exercise to fulfill the commitment identified above, as acknowledged in its November 15, 2022, notification.

EFFORTS TO RESOLVE ADHERENCE CONCERNS AND NEXT STEPS

Due to the ongoing conflict between Azerbaijan and Armenia, direct diplomatic engagement regarding VD11 has been severely limited. In December 2023, the Defense Attaché Office at U.S. Embassy Baku engaged with Azerbaijan Ministry of Defense personnel and encouraged Azerbaijan to fully implement its commitments under VD11. During these meetings, U.S. officials discussed the VD11 Plus Decision No. 9/12 exercise notification commitment, conveyed the importance that the United States attaches to keeping one's commitments under VD11, and encouraged a return to full adherence.

Following diplomatic outreach, Azerbaijan made an effort to address the identified issue by notifying OSCE participating States of a 2023 military exercise after it had occurred, and outside the period covered by this Compliance Report. This was a welcomed gesture, and the United States will continue to encourage Azerbaijan to send timely notifications for future military exercises.

KYRGYZ REPUBLIC

FINDING

In 2023, the Kyrgyz Republic did not adhere to VD11 commitments. In particular, the Kyrgyz Republic has not provided annual VD11 data on its armed forces, nor any other required information or notifications. The Kyrgyz Republic has not provided this information since 2014. The Kyrgyz Republic also did not notify at least one major military exercise or activity in calendar year 2023, despite conducting exercises.

CONDUCT GIVING RISE TO ADHERENCE CONCERNS

In 2023, the Kyrgyz Republic did not provide its annual VD11 submissions, including its annual military information and other required notifications for 2023. It last provided its military data effective as of January 1, 2014. The Kyrgyz Republic remained disconnected from the OSCE communication network and did not send any VD11 notifications in 2023.

The Kyrgyz Republic conducted special tactical exercises with Kazakhstan's military on August 23, 2023, and hosted the final stage of the Collective Security Treaty Organization (CSTO) peacekeeping forces exercise UNBREAKABLE BROTHERHOOD 2023 at the Edelweiss training ground on October 13, 2023, according to CSTO press releases. The Kyrgyz Republic did not notify these exercises under VD11.

ANALYSIS OF ADHERENCE CONCERNS

The analysis remains the same as the previous year, except to update the dates to 2023. For additional information, see the 2023 Compliance Report.

EFFORTS TO RESOLVE ADHERENCE CONCERNS AND NEXT STEPS

In 2023, the United States continued its VD11 adherence outreach with the Kyrgyz Republic, both in Washington, D.C., and in Bishkek. The United States aimed to facilitate the Kyrgyz Republic's return to adherence by raising awareness, enhancing proficiency, and offering to build capacity. The USG also proposed a phased, building-block strategy to strengthen the Kyrgyz Republic's ability to implement its existing VD11 commitments.

The United States will continue to work with the Kyrgyz Republic to implement its Vienna Document commitments. The United States will seek opportunities to engage Kyrgyz Republic representatives at future meetings of the OSCE's FSC. These meetings include the FSC's Annual Implementation Assessment Meeting and the OSCE VD11 data exchange, to encourage the Kyrgyz Republic and other participating States to provide CSBM data on a timely basis, consistent with their VD11 commitments. The United States will continue to encourage other states to engage the Kyrgyz Republic on this topic as well.

RUSSIAN FEDERATION (RUSSIA)

FINDING

Russia failed to submit its annual VD11 data on its armed forces, including to those participating States that had provided Russia with their own annual data. Russia's failure to provide its annual data makes it difficult to assess any developments with respect to certain issues that were addressed in previous years' reports, namely failure to include certain types of equipment. Please see previous years' reports for further information on these and other issues with Russia's VD11 adherence.

CONDUCT GIVING RISE TO ADHERENCE CONCERNS

Russia made clear it would not provide national information about its armed forces as of January 1, 2023, as required by VD11 Chapter I. Russia claimed its decision was in response to several participating States suspending or altering their implementation of VD11 commitments vis-à-vis Russia in response to its full-scale invasion of Ukraine. However, many participating States, including the United States, adhered fully to their VD11 Chapter I commitments by sharing data with Russia and all other participating States; Russia chose not to reciprocate in good faith. On December 15, 2023, Russia failed to provide its annual military information as of January 1, 2024.

In last year's report, Russia was also cited for failing to participate in the VD11 paragraph 16 risk reduction mechanism initiated by Ukraine in February 2022. This issue remains unresolved, because Russia has neither acknowledged any wrongdoing nor pledged to act differently in future. Ukraine did not initiate the risk reduction mechanism in 2023. For further information on this issue, please refer to last year's Report.

As important context, throughout 2023, Russia continued its unlawful and unprovoked full-scale invasion of Ukraine, which is contrary to both international law and commitments in the Helsinki Final Act.

ANALYSIS OF ADHERENCE CONCERNS

Per the introduction to VD11, paragraphs 2 and 3, participating States recall the continued validity of commitments on refraining from the threat or use of force contained in the Helsinki Final Act and the Document of the Stockholm Conference, as seen in light of the Charter of Paris and the Charter for European Security. Since the start of its full-scale invasion of Ukraine in 2022, Russia's actions continue to be contrary to Russia's political commitments referenced in paragraphs 2 and 3 of the introduction to VD11.

Per VD11, Chapter I, paragraphs 9 and 10, participating States will exchange annual information on their military forces in the zone of application no later than December 15.

Adherence issues identified in the 2023 report covering calendar year 2022 remain unresolved, with no new analysis. Please refer to the 2023 report for additional information.

EFFORTS TO RESOLVE ADHERENCE CONCERNS AND NEXT STEPS

During 2023, the United States and other participating States continued to raise in the OSCE the grave issues of Russia's full-scale invasion of Ukraine and its attempted annexation of Crimea and other regions of Ukraine, which run counter to OSCE security commitments recalled in VD11. Through diplomatic channels, the United States continued to work in cooperation with the 55 other OSCE participating states to resolve Russia's refusal to engage on VD11 issues. The United States will continue to seek opportunities to work with Allies and partners to hold Russia accountable for its calculated lack of transparency in the context of its continued unlawful full-scale invasion of Ukraine.

The first step toward Russia's return to full adherence to the Vienna Document and other OSCE commitments would be to end its illegal invasion, and its occupation, of Ukrainian territory. The United States strongly supports Ukraine's sovereignty, territorial integrity, and inherent right to self-defense.

REPUBLIC OF UZBEKISTAN (UZBEKISTAN)

FINDING

Uzbekistan did not adhere to its VD11 commitments in 2023, as it did not provide annual data on its armed forces or other required information or notifications. Uzbekistan also did not notify major military exercises or activity for calendar year 2023, despite conducting exercises.

CONDUCT GIVING RISE TO ADHERENCE CONCERNS

In 2023, Uzbekistan did not provide its annual VD11 submissions, including annual calendar, military information, and defense planning information. It has not provided its annual VD11 military information since a late submission on February 12, 2003, when it provided data effective as of January 1, 2003.

Uzbekistan did not notify any major military exercises or activity for 2023. However, Uzbekistan hosted joint military training with the Armed Forces of the Commonwealth of Independent States (CIS) at the Chirchik training field in June 2023.

ANALYSIS OF ADHERENCE CONCERNS

There are no changes from the analysis for calendar year 2022, except to update the dates to 2023. For additional information, see the 2023 Compliance Report.

EFFORTS TO RESOLVE ADHERENCE CONCERNS AND NEXT STEPS

In 2023, the United States proactively addressed VD11 adherence issues with Uzbekistan in Washington, D.C., at the OSCE in Vienna, and in Tashkent. The United States aimed to facilitate Uzbekistan's return to adherence by raising awareness, enhancing proficiency, and offering ways to build capacity. The United States proposed a phased, building-block strategy to strengthen the Republic of Uzbekistan's ability to implement its existing VD11 commitments.

The U.S. Ambassador to the OSCE met with his Uzbek counterpart in Vienna, Austria in May 2023 to reiterate the U.S. willingness to help provide a pathway to VD11 adherence. Lastly, during the Uzbekistan-United States Strategic Partnership Dialogue (SPD) the U.S. Delegation encouraged the Government of Uzbekistan to return to VD11 adherence and highlighted incremental steps towards implementation.

The United States will continue to work with Uzbekistan to implement its Vienna Document commitments. The United States will seek opportunities to engage Uzbek representatives at future meetings. Opportune meetings include the FSC's Annual Implementation Assessment Meeting and the OSCE VD11 annual data exchange. The United States will encourage Uzbekistan and other participating States with armed forces in the Vienna Document zone of application to provide CSBM data on a timely basis, consistent with their VD11 commitments.

The United States will continue to encourage other states to engage Uzbekistan on this topic as well.

TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE (CFE)

Reporting on Compliance with the Treaty on Conventional Armed Forces in Europe (CFE), submitted pursuant to 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”), is pending at the time of publication. Past reports can be found on the ADS website.

U.S. Department of State
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