STATEMENT BY AUSTRIA

AT THE SECOND SESSION OF THE
PREPARATORY COMMITTEE
OF THE 2005 REVIEW CONFERENCE OF THE PARTIES
TO THE TREATY ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS

CLUSTER II

Geneva, 5 May 2003

by

H.E. Ambassador Wolfgang PETRITSCH

Permanent Representative of Austria

CHECK AGAINST DELIVERY
Mr. Chairman,

Let me first of all express my satisfaction that the work of this Preparatory Committee meeting under your able guidance proceeds so well. We are thus very confident that you will be able to draft an excellent summary of our proceedings at the end of this week.

Austria fully subscribes to the Statement on Cluster 2 of the Greek Presidency earlier this afternoon. Therefore, I can limit myself to a couple of items to which Austria traditionally attaches particular importance, i.e. Safeguards, Physical Protection and Export Controls.

(Safeguards)

In the field of Safeguards we wish to reiterate the importance of the universal application of comprehensive safeguards in their latest development, i.e. including the strengthening measures contained in the Additional Protocol, as published in IAEA Document INFCIRC 540. As this PrepCom seems to agree that the safeguards instruments based on the models INFCIRC 153 and INFCIRC 540 are the current standard of the NPT related IAEA safeguards system, it should in our view not be difficult to agree on the early implementation of this standard in all non-nuclear weapon states (NNWS).

In this context, we reiterate our legal resolve that Art. III.1 of the Treaty contains the clear obligation for all non-nuclear weapon states parties to the NPT to embark into negotiations with the IAEA with the aim of putting into force at the earliest possible date the required Additional Protocol. This legal opinion is firmly rooted in the text of Art. III.1.

Currently there are only 30 Additional Protocols in force. There is no doubt that only with a much larger number of such instruments in operation the IAEA will be able to gain the practical experience necessary to improve the effectiveness in the implementation of this new Integrated Safeguards System. Only then the Agency will be able to embark into considerations for “trade offs”, which many of us wait for in order to reduce the overall costs of the IAEA safeguards implementation.

Mr. Chairman,

To promote the universal application of the Additional Protocol, cooperation between Parties to the Treaty needs to be enhanced. We commend the efforts in this regard of a number of States, notably of Japan, Australia, the United States and France in supporting the organisation of regional seminars. We welcome the strong effort by the IAEA as contained in the respective “plan of action”, which the representative of the IAEA elaborated on in his presentation to this PrepCom last week.

All those approaches and activities should clearly lay out that there is only one safeguards system for NPT purposes which has been established in line with Art. III.1 of the Treaty and which has to be maintained and improved whenever there is a need to do so. At the same time it is the responsibility of States parties to do the
necessary to enable the Agency to implement this safeguards system in its last state of the art in all non-nuclear weapon states parties to the NPT.

(Physical Protection)

We appreciate the progress achieved in the field of nuclear physical protection since last year's session of the PrepCom. We particularly welcome the conclusion of the work of the Group of Legal and Technical Experts gathered by the Director General of the IAEA.

A number of delegations have been rather critical with regard to the result of their work as some paragraphs are still bracketed. Austria does not share this negative assessment. We believe that the amendment proposal on which the legal and technical experts reached agreement some weeks ago in Vienna will enable us to undertake the next step towards the envisaged revision of the 1980 Convention on Physical Protection. The events of 11th September 2001 have clearly demonstrated the urgent need for a strengthened international nuclear security standard. We sincerely hope that the Diplomatic Conference for the revision of the Convention will be convened soon.

(Export Controls)

Nuclear export controls have been a source of misperceptions over the decades since entry-into-force of the NPT in 1970. This atmosphere delayed agreement on the proper implementation of NPT export controls for many years. A decisive breakthrough was finally achieved in the Review and Extension Conference in 1995 when the NPT sovereign clarified in decision 2, paragraph 12, that the safeguards condition for supplies of sensitive nuclear items should be "full scope safeguards". In 2000, the Austrian delegation noted with satisfaction that the Review Conference, by recalling "Principle 12", endorsed this view on this standard for NPT nuclear export controls.

There is no doubt that the obligations stemming from the export control provisions of Art. III.2 are the responsibility of each individual Party, regardless of whether it is involved in export decisions frequently or only at times. Therefore each State party must have an appropriate set of rules and regulations for national export controls in place in order to meet its responsibility. This was confirmed by the NPT Conference in 2000.

At the same time we should recognise that countries which are not regularly involved in nuclear transfers might not have the experience to promulgate on their own the required legislation. Major exporting countries are thus called upon to assist those States parties in their endeavour.

(Zangger Committee)

In this regard we note with appreciation the work of the Zangger Committee, well known as an informal, technical group of countries regularly involved in nuclear trade, which deals as a facilitator with the interpretation of the export control provisions of Art. III.2 of the NPT. This interpretation, as published in the IAEA series INFCIRC 209 and subsequently amended several times, has over the years gained
wide acceptance. The work of the Zangger Committee was well recognised and welcomed in almost all NPT Review Conferences, and States parties were urged to base their export control policies on the Committee's interpretations of Art. III.2.

As NPT Conferences emphasized the importance for cooperation and assistance in setting up national rules and regulations, my delegation is pleased to note that the Zangger Committee has launched a programme for "outreach activities" with interested countries, that in the past sometimes considered themselves in a pointed form as "victims" of export controls. This outreach program is aimed at creating an on-going dialogue of equal partners based on the understanding of a common responsibility.

My delegation hopes that this important work of the Zangger Committee will again be recognized and confirmed by the Conference in 2005.

As previous Conferences have requested the Committee to review its interpretation from time to time in order to bring its Understandings in line with technological and other developments, Austria takes note of the respective work in the Committee. We hope that, as a result of this effort, an adapted set of the Understandings of the Zangger Committee will be presented in the report to the NPT Conference 2005.

There are, however, still a number of open questions where the Committee will have to seek guidance from the NPT Conference 2005. We shall address this issue in greater detail in tomorrow's special time of Cluster II related to safety and security issues.

Mr. Chairman,

These are only some of the issues the Preparatory Committee for the 2005 NPT Conference will have to address. I wish to assure you that Austria will continue to contribute actively to a successful resolution of these issues.

Thank you Mr. Chairman.