DELEGATION OF AUSTRIA

2005 NPT Review Conference

MAIN COMMITTEE II

Statement by
Ms. Christine Göstl

New York, 20 May 2005
Mr. Chairman,

[Let me at the outset congratulate you to the assumption of your high post in this Conference and assure you of my delegation's full support in your difficult task.

My delegation fully aligns with the statement held by Luxemburg on behalf of the European Union. I shall therefore limit myself to those items to which Austria attaches particular importance. These can be found in the areas of safeguards, physical protection and export controls.

Let me in this context also refer to proposals and draft language tabled by a group of countries including Austria, which, like in previous Review Conferences, has attempted to put together thoughts and concepts considered to be capable of achieving agreement by this Conference.]

(Safeguards)

The safeguards system of the NPT has seen several developments over the years since the entry-into-force of the Treaty and the adoption of the first model NPT safeguards agreement, the so called "comprehensive safeguards agreement", (in 1971, issued as IAEA document INFCIRC/153). The comprehensive safeguards agreement was for a long time the standard for meeting the requirements of Art. III.1 of the NPT, and it was perceived as meeting the Treaty's security requirements.

In the early 1990ies, however, we were harshly confronted with the fact that the system as it stood did not provide the IAEA with the tools required to detect clandestine nuclear activities in a country. Therefore additional requirements were elaborated to bring the NPT safeguards system to the standard we considered necessary to meet our concerns. The most outstanding result of this strengthening exercise was the adoption of the Model AP by the IAEA Board of Governors in 1997, an instrument that was needed to give the Agency the legal authority required to implement one part of the additional verification measures.

The last NPT Review Conference, welcomed the Model AP clearly as a result of the safeguards strengthening exercise called for in paragraph 11 of the 1995 Decision 2 on Principles and Objectives ("IAEA safeguards system should be regularly assessed and evaluated, decisions adopted by the IAEA Board of Governors aimed at further strengthening the effectiveness of Agency safeguards should be supported and implemented and the Agency's capability to detect undeclared nuclear activities should be increased"). It called on the NPT parties to support and implement these strengthening measures, stating that the original framework of comprehensive safeguards had provided only a "limited level of assurance" and that the measures in the AP were necessary to complement the safeguards capability of the IAEA.

This leaves no doubt 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 is a
dynamic, living system that has to be improved whenever there is a need to do so. The AP is an integral part of this safeguards system. From Art. III.1 derives the responsibility of States parties to do the necessary to enable the Agency to implement the system in its current state of the art.

Strictly following this rationale, Austria holds the legal position that Art. III.1 of the Treaty contains the obligation for all NNWS parties to the NPT to adapt their safeguards agreements with the IAEA to be consistent with the current safeguards system for NPT purposes. This cannot be done over night, but eight years after the adoption of the Model AP it can be expected that States enter into negotiations with the IAEA on an AP as a matter of urgency, and with the aim of putting into force such an instrument as soon as possible.

Recent revelations about nuclear supply routes have shown that a chain is only as strong as its weakest link. The IAEA strengthened safeguards system is depending upon universality.

(Physical Protection)

In the field of physical protection we note very positive developments in the international legal regime. In May last year the Austrian Foreign Minister, on behalf of 25 countries, submitted an amendment proposal to the depositary of the Convention on the Physical Protection of Nuclear Material (CPPNM). The proposal, which is based on the outcome of the deliberations of the Open-Ended Group of Legal and Technical Experts convened by the Director General of the IAEA, has been circulated to all States Parties and enjoys broad support. A Diplomatic Conference for its consideration and adoption will take place from 4 to 8 July this year in Vienna.

We call on all States parties to this Convention to participate in this Conference, bearing in mind that the adoption of any amendment needs the consent of two thirds of the contracting parties.

(Export Controls)

Nuclear export controls were for a long time a source of misperceptions. The 1995 Review and Extension Conference achieved a decisive break-through when it agreed on paragraph 12 of Decision 2, making „full-scope safeguards“ the condition for nuclear supplies. The 2000 Review Conference reaffirmed this standard.

In the meantime this standard has evolved further. The AP now constitutes the verification standard according to Art. III.1 of the Treaty. As Art. III.2, the export control provision, refers to exactly the same safeguards standard as required by Art. III.1, this Conference should agree to make AP a condition for nuclear supply.

This is the 1st NPT Conference without Dr. Fritz Schmidt, who was, inter alia, the director of my division and Chairman of the Zangger Committee for nearly twelve years. His passing away in February this year has left a void that cannot be filled.
The Zangger Committee, also known as the NPT Exporters Committee, is 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 Treaty. This interpretation, published in IAEA document INFCIRC 209 and amended from time to time, has gained wide acceptance over the years. The work of the Committee has been well recognised and welcomed in NPT Review Conferences, and States parties have been urged to base their export control policies on the Committee’s interpretations. My delegation hopes that the important work of the Zangger Committee will again be recognized and confirmed by this Conference.

The Zangger Committee has launched a website and 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 programme is aimed at creating an on-going dialogue of equal partners based on the understanding of a common responsibility.

Previous Conferences have requested the Zangger Committee to review its Understandings from time to time in order to bring them in line with technological and other developments. Austria takes note with particular appreciation of the work undertaken by the Committee in this respect and referred to in an information document submitted to this conference by the Committee as document NPT/CONF.2005/WP.14. We hope that the Committee will adopt a revised set of Understandings soon. It should take account of recommendations already given by the NPT sovereign in past review conferences, and I am sure that the Committee, as the faithful interpreter of the NPT’s export control requirements, will take into account any recommendations from this Conference in its further deliberations. I am specifically referring to the Additional Protocol as a condition of supply as well as physical protection as part of a "state system of nuclear security" as outlined in our Working papers.

Mr. Chairman,

In concluding I wish to assure you once more that Austria will continue to contribute constructively to a successful outcome of this Committee.
2005 REVIEW CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

MAIN COMMITTEE II

STATEMENT BY AMBASSADOR BARBARA BRIDGE
NEW ZEALAND MISSION TO THE UNITED NATIONS, VIENNA

20 MAY 2005

CHECK AGAINST DELIVERY
Mr Chairman

The NPT confers on States party a set of interrelated and mutually reinforcing rights and obligations.

Among the elements of the Treaty that Main Committee II is reviewing are the provisions relating to non-proliferation of nuclear weapons, and safeguards. I wish to outline several key concerns of New Zealand in this area, in brief, recognising the time constraints we are under.

The IAEA is charged with the responsibility of verifying that states do not divert nuclear energy to nuclear weapons programmes. New Zealand fully supports the statutory role of the IAEA Board and the Director General in relation to safeguards compliance.

In the early 1990s, after Iraq was discovered to have had a secret nuclear weapons programme, a Model Additional Protocol to the comprehensive safeguards agreement was developed in order to give the Agency increased scope in its verification activities, greatly enhancing its ability to perform its verification function. Subsequently it has been demonstrated that an Additional Protocol is critical for the Agency to be able to fulfil its statutory responsibility regarding assurances on the absence of undeclared material and activities.

The world is a very different place today from 1970, when the NPT came into force. Today many countries are in possession of advanced nuclear knowledge and technology. It is essential that the IAEA be given the tools it needs to do its job. The Additional Protocol is one such tool.

It is New Zealand’s view that all States party to the Treaty should conclude both a Comprehensive Safeguards Agreement and an Additional Protocol with the Agency without delay. In our view IAEA’s safeguards system includes both a Comprehensive Safeguards Agreement and an Additional Protocol. We consider a Comprehensive Safeguards Agreement, and an Additional Protocol, have become the new verification standard. We call upon the Conference to recognise this.

Mr Chairman

An effective export control system is integral to States party being in a position to fulfil their obligations under Article III. The importance of export controls in preventing proliferation was recognised in UN Security Council resolution 1540 a year ago. Unless a state has effective export controls, it is unable to meet its Treaty obligation not to transfer to a non-nuclear weapons state nuclear material, equipment or technology unless they are subject to safeguards. New Zealand considers that the new verification standard, the Additional Protocol, should be confirmed by States party as a condition of new nuclear
supply. This condition is in our view vital in assisting the IAEA to discharge its responsibilities in verifying that nuclear transfers are used for peaceful purposes only.

Strengthened export controls are directly relevant to curbing the recently uncovered illicit trafficking in sensitive nuclear equipment and technology. New Zealand is very concerned about these revelations, and endorses the IAEA Director General’s call for all states to cooperate fully in helping to identify the supply routes and sources of the technology, equipment and materials.

Effective physical protection of nuclear material and facilities is also an important factor in strengthening the non-proliferation regime and we would urge continuing efforts in this regard. Two years ago New Zealand acceded to the Convention on the Physical Protection of Nuclear Material, and we call on all those States who are not yet party to do likewise as soon as possible. We support current efforts to strengthen the Convention, and look forward to a successful outcome at the Diplomatic Conference to be held in July. I want also to affirm New Zealand’s full support for the IAEA’s Code of Conduct on the Safety and Security of Radioactive Sources, the Action Plan, and the import and export guidance under the Code. We call upon all States party to make a political commitment both to the Code and to the guidance under it.

Mr Chairman

Nuclear weapons programmes of states outside the NPT seriously undermine nuclear non-proliferation and disarmament efforts. In regions of tension these pose real risks to international peace and security. We call upon India, Pakistan and Israel to accede to the NPT promptly and without conditions, and to place all their nuclear activities under IAEA safeguards.

We deplore the decision of North Korea in January 2003 to announce its withdrawal from the NPT, and express the utmost concern over its declaration in February this year that it has manufactured, and possesses, nuclear weapons. This situation is a grave threat to the peace and security of the region. We urge North Korea to reconsider the course that it has chosen, to return to the NPT, and to honour its safeguards obligations with the IAEA. We call upon North Korea to abandon any nuclear weapons programme immediately. We believe that a solution can be found through peaceful dialogue, and urge North Korea to return to the six party talks without delay.

New Zealand also expresses serious concern that Libya for a number of years was in breach of Article II of the NPT and of its obligations under its Safeguards Agreement with the IAEA. We welcome Libya’s decision in December 2003 to abandon its programme of weapons of mass destruction, its subsequent signing of an Additional Protocol, and its full cooperation with the IAEA in relation to
verification that all Libya’s nuclear activities are now for exclusively peaceful purposes.

We are also concerned Mr Chairman that Iran has recently been revealed to have had an undeclared, clandestine, nuclear programme in place over almost two decades. We are further concerned that it has been found to have breached a number of its obligations under its safeguards agreement with the IAEA. We call upon Iran to cooperate fully with the IAEA in resolving the outstanding issues in the Agency’s investigations into its nuclear programme. We welcome Iran’s decision to sign an Additional Protocol and act as if it were in force, and urge it to complete ratification without delay. We call upon Iran to implement all requirements of the IAEA Board resolutions, including voluntary suspension of all enrichment-related and reprocessing activities, in order to rebuild international confidence that its nuclear programme is for peaceful uses only. New Zealand supports fully the European Union initiative relating to the negotiation of long-term arrangements with Iran, and the provision of objective guarantees that its nuclear programme is for peaceful purposes only.

Mr Chairman

New Zealand maintains that a powerful symbol for demonstrating renunciation of WMD to the international community is the reach, and potential reach, of nuclear weapon free zones over the landmasses of the globe. New Zealand is a member of the Rarotonga Treaty, which establishes a nuclear weapon free zone in the South Pacific.

Nuclear weapon free zones can act as disarmament measures, providing an incentive for nuclear-armed or aspiring states to pull back from the nuclear option. Nuclear weapon free zones also contribute to non-proliferation efforts. For example, in the Rarotonga Treaty’s Article IV, which addresses peaceful nuclear activities, each Party undertakes to “support the continued effectiveness of the international non-proliferation system based on the NPT and the IAEA safeguards system”.

New Zealand welcomed Mexico’s initiative to hold a meeting of states parties and signatories to nuclear weapon free zones in April. This provided a valuable opportunity to explore ways of strengthening communication networks between the zones. In this respect, New Zealand works with Brazil to promote an initiative for a nuclear-weapon-free Southern Hemisphere, which would link up the existing regional zones to encompass the entire hemisphere. A nuclear-weapon-free Southern Hemisphere would facilitate co-ordination and cooperation between the respective nuclear weapon free zones in areas such as verification, compliance and disarmament.
Finally Mr Chairman, New Zealand considers there is merit in examining institutional arrangements for the review of the NPT, to try to ensure maximum effectiveness. We are interested in the Canadian and other proposals coming forward in this regard.