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Statement at the Second Cluster on behalf of the European Union

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Conference of the Parties to the Treaty on the Non-Proliferation of  
Nuclear Weapons

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Check against delivery

I have the honour to take the floor on behalf of the European Union. The Acceding Countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia; Candidate Countries Bulgaria and Romania; the Countries of the Stabilisation and Association Process and potential candidates, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro; and the EFTA country and member of the European Economic Area, Iceland, align themselves with this statement.

With this statement the EU will address the issues of non-proliferation, safeguards, protection against nuclear terrorism and other related issues, such as export controls, illicit trafficking, physical protection, and nuclear weapon free zones.

## **SAFEGUARDS**

The aim of international safeguards is to detect (and thereby deter) the diversion of nuclear material for use in nuclear weapons and, in particular with the measures of the Additional Protocol, to provide increased confidence about the absence of undeclared nuclear activities. Therefore, safeguards serve as a technical tool in support of the political goal of sustaining an environment in which there can be peaceful use of nuclear energy without the threat of proliferation. The EU remains fully committed to all the relevant statements in the decision on principles and objectives of nuclear non-proliferation and disarmament adopted by the 1995 NPT review and extension conference and the 2000 Final Document.

To ensure effective detectability of violations and to deter non-compliance, the EU will make best use of, and seek improvements to, existing verification mechanisms and systems. The EU is committed to ensuring that compliance mechanisms under the IAEA are properly funded, robust and able to detect breaches of the provisions of the Treaty and the Safeguards Agreements which underpin it.

The IAEA's international safeguards system is an essential part of the global nuclear non-proliferation regime. In this respect the EU recognises the need for an adequately funded and cost-efficient safeguards system and welcomes in this regard the adoption in July 2003 of a financial package for 2004-2007 which includes an increase of the safeguards budget, agreed as necessary for agency safeguards to remain effective and efficient and therefore credible.

Article III.1 of the Treaty requires non-nuclear weapon states parties to conclude comprehensive safeguards agreements with the IAEA. Since the 2000 Review Conference, only 12 further comprehensive safeguards agreements have been brought into force, and 44 states have yet to fulfil their respective obligations under the Treaty. Without these agreements the IAEA is unable to provide any assurances. The EU would therefore ask the IAEA to circulate a list of these countries at this meeting, indicating the date when their Safeguards Agreement should have entered into force, and urges these 44 States to conclude such agreements without further delay.

## **STRENGTHENED SAFEGUARDS**

The universal adoption and implementation of comprehensive safeguards agreements, and additional protocols to them, is a pre-requisite to an effective and credible safeguards system. The EU welcomes the entry into force since the last Preparatory Committee of several safeguards agreements and Additional Protocols to them but regrets that the number of such Agreements and Protocols actually in force continues to be well below expectations. All EU Member States have now completed their ratification and in accordance with our Weapons of Mass Destruction Strategy we will redouble our efforts to promote the conclusion of Additional Protocols by other States.

The EU considers the Additional Protocols to be an integral part of the IAEA Safeguards System and adherence to them should be considered an essential means of demonstrating the fulfilment of States Parties obligations under Article III of the NPT. By raising the standard for compliance and by making it easier to detect violations, the Additional Protocols strengthen the NPT. The Additional Protocol, together with a comprehensive safeguards agreement, now represents the verification standard, and the EU accords a high priority to its implementation. We call on all States, that have not yet done so, to conclude and bring into force Additional Protocols with the IAEA. EU Member States are also working towards making the Additional Protocol a condition of supply for nuclear exports.

In accordance with Article IV of the NPT and Article II of the IAEA's Statute, the EU reaffirms the inalienable right of all parties to the Treaty to develop the research, production and use of nuclear energy, for peaceful purposes, without discrimination in complete conformity with Articles I and II of the Treaty. In this context it must be made absolutely clear that a possible diversion of civilian nuclear programmes for developing nuclear weapons or other nuclear explosive devices has to be effectively excluded. As effective verification is a prerequisite for peaceful uses, it is of utmost importance that all States Parties to the Treaty subscribe to full transparency and the full range of verification instruments as offered in particular by the IAEA. This includes early information on nuclear programmes by all States as foreseen by the IAEA Board of Governors decision of 1993 and the signing and bringing into force of Additional Protocols.

## **DPRK**

The EU deplores the announcement of the DPRK in January 2003 of its intention to withdraw from the NPT. We continue to urge the DPRK to return to full compliance with its international non-proliferation obligations under the NPT including its Safeguards Agreement with the IAEA. Any clandestine nuclear weapons programme must be completely, verifiably and irreversibly dismantled. The EU restates its firm resolve to contribute to the search for a peaceful solution, through negotiations, to the DPRK nuclear issue and welcomes the dialogue within the framework of the Six Party Talks in this connection.

## **SOUTH ASIA**

The EU continues to monitor the situation in South Asia. We call upon India and Pakistan to accede to the NPT, and to place of all their nuclear facilities under the comprehensive safeguards of the IAEA. We note the declared moratoria by both countries on nuclear testing and their willingness to participate in the negotiation of a Treaty banning the production of fissile material for nuclear weapons and other nuclear explosive devices. We expect that they will take and apply all necessary measures towards fulfilling their aforementioned promises. We further note with appreciation the inclusion of nuclear confidence building measures as part of the recently announced composite dialogue between India and Pakistan.

## **MIDDLE EAST**

The EU remains committed to the full implementation of the resolutions on Middle East adopted by the United Nations Security Council and the 1995 NPT Review and Extension Conference. We call upon all States in the region that have not yet done so, to accede to the biological and chemical weapons conventions and to the NPT. The EU calls upon the States of the region to establish an effectively verifiable zone free of nuclear weapons, as well as of other weapons of mass destruction and their means of delivery. We believe that the accession of all States in the area to the IAEA's Comprehensive Safeguards Agreements and the Additional Protocol should be a priority for the international community as a whole and would represent a crucial contribution to an overall improvement for the security and confidence in the Middle East. Israel's accession to the NPT, and the placement of all its nuclear facilities under the comprehensive safeguards of the IAEA is of great importance to the EU as it would contribute to the peace and stability of the region and the prospects of an eventual settlement in the Middle East.

## **IRAN**

The Iranian nuclear programme is currently under investigation by the International Atomic Energy Agency. The European Union welcomes the commitments which Iran has made in the context of this investigation including the signature on 18 December 2003 by Iran of the Additional Protocol and its voluntary suspension of all enrichment-related and reprocessing activities throughout Iran, including the assembly and testing of centrifuges and the domestic manufacture of centrifuge components. At the same time, the EU notes with great concern that a number of questions remain unanswered. The EU urges Iran to provide full and pro-active cooperation with the Agency in resolving all outstanding questions in a spirit of full transparency.

## **LIBYA**

On 19 December 2003 Libya announced its decision to eliminate all material, equipment and programmes which lead to the production of Weapons of Mass Destruction. Following on from the recent IAEA work in Libya, the EU notes that

since the early 1980s, Libya has been in breach of its obligation to comply with the provisions of the Safeguards Agreement with the Agency. At the same time we warmly welcome the fact that Libya brought this undeclared programme to the attention of the IAEA and its cooperation with the Agency. We further welcome Libya's ratification of the Comprehensive Test Ban Treaty and its signature and decision to implement an Additional Protocol with the IAEA

## **ILLICIT TRADE**

We note the conclusion of the Director General of the IAEA that the conversion and centrifuge programmes of Iran and Libya share common elements and that the basic technology is very similar and was largely obtained from the same foreign sources. This is a matter of serious concern. We therefore fully endorse his call for full cooperation from all IAEA member States in identifying the supply routes and sources of the technology and related equipment and nuclear and non-nuclear materials. 2004

The illicit trade in highly sensitive nuclear equipment and technology is a matter of serious concern for the European Union and indeed all State Parties to the NPT. The European Union is committed to strong national and internationally coordinated export controls which we see as a necessary complement to our non-proliferation obligations under the NPT. Recent revelations have demonstrated the need for us to reinforce our efforts to tackle illicit trafficking and procurement networks and to address the issue of involvement of non-state actors in the proliferation of WMD technology.

## **EXPORT CONTROLS**

In view of the enhanced proliferation threat the EU considers it necessary for exporting States to assume their responsibilities and take measures to ensure that exports of nuclear materials, equipment and technologies and related dual-use items are subject to appropriate surveillance and control. Export controls ensure that transfers take place for peaceful purposes as required by the NPT, facilitating also co-operation and technological development. The EU will work towards strengthening the efficiency of export controls, preventing any uncontrolled dissemination of the most sensitive technologies, in particular by non-state actors, and defining adequate consequences for situations of non-compliance. We will however pay great attention to the preservation of the core principles of the Treaty and, in particular, development of and cooperation on peaceful uses of nuclear energy. The EU will act in a way that preserves the vast majority of countries, which respect their commitments, from the consequences of non-compliance by a few. We will avoid creating dividing lines among the international community. Therefore, the EU will focus on strengthening export control policies and practices, within the EU and beyond, in co-ordination with partners.

Co-ordination of national export control policies contributes significantly to the non-proliferation objectives of the NPT. In this regard, the work of the Zangger Committee was highlighted and welcomed by previous Review Conferences.

At previous Preparatory Committees, States Parties to the NPT were urged to base their export control policies on the Committee's technical interpretations of the obligations under Article III.2 as published in IAEA document INFCIRC/209 as amended.

The Member States of the EU also play an active role in the Nuclear Suppliers Group. We consider that the work of this group makes an important contribution to the non-proliferation of nuclear weapons. The EU abides by the NSG's requirement that transfers of trigger list items only be made to States which have in place a comprehensive safeguards agreement with the IAEA. We believe it would be most appropriate for the Review Conference in 2005 to welcome and recognise the work of this group in pursuance of the NPT's non-proliferation goals.

The EU proposes that all States Parties to the NPT follow the understandings of Zangger Committee and the guidelines of the NSG when considering exports of nuclear materials, equipment and technologies. The EU supports every effort for the achievement of maximum transparency in all nuclear related exports.

#### **INITIATIVES ON EXCESS WEAPONS MATERIAL**

The European Union reaffirms the importance it attaches to the safe and effective management of fissile material designated as no longer required for defence purposes. We particularly refer to programmes for the disposition of weapons origin material in the US and Russia and arrangements for IAEA verification of that disposition. We recognise the work done by the IAEA, Russia and the US and the latest multilateral initiatives.

Furthermore, the EU contributes to and welcomes others' involvement in co-operative programmes aimed at providing assistance for safe and secure management and disposition of fissile materials and related facilities

#### **PLUTONIUM GUIDELINES**

With the view to promote transparency, the European Union reaffirms the importance of the agreement reached in 1997 among a group of nine countries, including four member states of the European Union, on a set of guidelines for the management of plutonium in all peaceful nuclear activities. Since the confirmation of that agreement, the respective national holdings of civil plutonium are now published annually with the assistance of the IAEA. The EU notes that two of the EU Member States involved are also publishing, on a voluntary basis, statements of their civil holdings of high enriched uranium

#### **SECURITY OF NUCLEAR MATERIALS, NUCLEAR INSTALLATIONS AND OF OTHER RADIOACTIVE MATERIALS**

Effective physical protection of nuclear material, civil and military, is of

paramount importance. In the civil area, we welcome the fact that the number of state parties to the Convention on the Physical Protection of Nuclear Material stands at 103. We call upon states that have not yet done so to accede to the Convention. The EU welcomes the successfully completed work of the open-ended group of legal and technical experts convened by the IAEA in Vienna to draft a well-defined amendment of the CPPNM and the circulation by Austria of a proposed draft amendment to the Convention, based on the work of the open-ended group, including the proposal to convene a Diplomatic Conference in accordance with Article 20 of the Convention.

## **NUCLEAR TERRORISM**

Mr. Chairman,

The EU continues to attribute great importance to the fight against terrorism, the continuing urgency and importance of which has been underlined so tragically by the recent attacks in Madrid. The EU strongly supports all measures that are aimed at preventing terrorists from acquiring nuclear, radiological, biological, and chemical weapons and their means of delivery. We therefore supported and welcomed the inclusion of an anti-terrorist clause in each of the export control regimes. We also welcome efforts in other fora such as the G8 to prevent terrorists or those that harbour them from acquiring or developing weapons of mass destruction, missiles and related equipment and technology. We call upon all States to take effective measures to address the problem of diversion of and trafficking in WMD materials, and of the participation of non-state actors in proliferation of WMD.

The EU welcomes and appreciates the activities of the IAEA aimed at preventing nuclear terrorism. The IAEA had begun work on this area before the events of 11 September 2001 and has continued with its good work. We recall in this regard the March 2003 Conference on Security of Radioactive Sources held in Vienna by the IAEA, the United States and Russia. We welcome and support the recommendations made at that conference including:

- a) an international initiative aimed at facilitating the location, recovering and securing of "orphan" radioactive sources throughout the world, under the IAEA's aegis.
- b) a concerted effort to follow the principles contained in the Code of Conduct on the Safety and Security of Radioactive Sources.
- c) an international initiative under the IAEA's aegis, to encourage and assist governments in their efforts to establish effective national infrastructures.
- d) further national and international actions to identify, search for, recover and secure high-risk sources, strengthen long term control, interdict illicit trafficking, plan the response to radiological emergencies, conduct proactive public outreach and awareness programmes.

The EU notes with appreciation the adoption of the IAEA Code of Conduct on Radioactive Sources and the approval of the IAEA Code of Conduct on Research Reactors.

The EU further welcomes the IAEA work in support of states' efforts to combat illicit trafficking in nuclear and other radioactive material and calls upon states to introduce and enforce appropriate measures to that effect. The European Union, in accordance with its WMD Strategy, has undertaken a series of demarches to encourage third countries to join the IAEA's Illicit Trafficking Database and to support the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

#### **NUCLEAR WEAPON FREE ZONES**

The EU acknowledges the importance of nuclear-weapons-free zones, established on the basis of arrangements freely arrived at among the States of the region concerned. They enhance global and regional peace and security, urgently needed at the present political environment indicates. The EU also underlines the importance of the concept of zones free of weapons of mass destruction, both nuclear and other, and their means of delivery, envisaged in UNSC Resolution 987 on the Middle East. We therefore welcome and support the signature and ratification by the nuclear weapon States of the relevant protocols of nuclear weapons free zones following the completion of the necessary consultations.