
**Preparatory Committee for the 2010 Review
Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons**

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**Article III and preambular paragraphs 4 and 5, especially
in their relationship to article IV and preambular
paragraphs 6 and 7 (compliance and verification)**

**Working paper submitted by Australia, Austria, Canada,
Denmark, Finland, Hungary, Ireland, the Netherlands, New
Zealand, Norway and Sweden (“the Vienna Group of Ten”)**

Draft recommendations

The Vienna Group of Ten proposes that the Preparatory Committee agree on the following draft recommendations to be submitted to the Review Conference:

That the Review Conference:

1. *Affirm* the important contribution of the Treaty to global security and its effectiveness in checking nuclear proliferation and thus preventing destabilizing nuclear arms races;
2. *Underline* the importance of building and maintaining confidence in the peaceful nature of nuclear activities in non-nuclear-weapons States and, in this regard, call on all States to submit all relevant nuclear material and activities, both current and future, to IAEA safeguards;
3. *Call for* the universal application of the International Atomic Energy Agency (IAEA) safeguards by all States parties, in accordance with the provisions of the Treaty, and urge those States parties that have not yet done so to conclude Comprehensive Safeguards Agreements;
4. *Recognize* the Additional Protocol as an integral part of the IAEA safeguards system, affirm that a Comprehensive Safeguards Agreement, together with an Additional Protocol, represents the verification standard pursuant to Article III, paragraph 1, of the Treaty, and urge all States parties that have not yet done so to conclude and bring into force an Additional Protocol as soon as possible;
5. *Recognize* the need for IAEA to further facilitate and assist States parties in the conclusion and entry into force of safeguards agreements and additional



protocols, and welcome efforts to implement a plan of action to encourage wider adherence to the safeguards system;

6. *Urge* all States to cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and questions identified by IAEA to inform annual safeguards conclusions with respect to the correctness and completeness of States' declarations;

7. *Welcome* the important work being undertaken by IAEA in the conceptualization and the development of State-level approaches to safeguards implementation and evaluation, and the implementation of State-level integrated safeguards approaches;

8. *Note* that, in order to draw well-founded safeguards conclusions, IAEA needs to receive early design information, in accordance with the 1992 decision of the IAEA Board of Governors decision (IAEA document GOV/2554/Attachment 2/Rev.2), and stress the need for all non-nuclear-weapon States parties to provide this information to the Agency on a timely basis.

Working paper: Compliance and Verification

1. The Vienna Group of Ten (hereafter referred to as “the Vienna Group”) stresses the important contribution of the Treaty to global security and its undoubted effectiveness in checking nuclear proliferation, and thus in preventing the destabilization caused by nuclear arms races. Including through the compliance and verification procedures of its mandates, the Treaty plays a unique role in fostering the necessary framework of mutual confidence in the solely peaceful use of nuclear energy by States parties. In this context, the Group places great importance on the universalization of the Treaty, and encourages those States that have not acceded to the Treaty to do so as soon as possible.

2. The Vienna Group underlines that an effective and credible non-proliferation regime is essential for achieving a world free of nuclear weapons. The Group therefore underlines the importance of all States parties demonstrating strong commitment to the Treaty, not least in the face of revelations of non-compliance.

3. The Vienna Group expresses the understanding that the Treaty confers a set of interrelated and mutually reinforcing obligations and rights on States parties. Accountability is a key element of the Treaty regime, which can be made stronger and more transparent through adherence by all States parties to the strengthened safeguards system pursuant to article III of the Treaty, in order to provide assurances of compliance with article II, and to create the stable international environment necessary to allow for the full realization of article IV.

4. The Vienna Group notes that meeting current and potential compliance challenges are key tasks for the NPT Strengthened Review Process. These challenges pose a significant test for the Treaty, and need to be met firmly by upholding the Treaty’s integrity and reinforcing the authority of the safeguards system of the International Atomic Energy Agency (IAEA). The Group notes that intense international concern about nuclear weapons proliferation, including potentially to non-State actors, has added to the importance of the Treaty-based nuclear non-proliferation regime.

5. The Vienna Group affirms the fundamental importance of full compliance with all the provisions of the Treaty, including with relevant safeguards agreements and subsidiary arrangements. It notes that the integrity of the Treaty depends upon full respect by States parties for their obligations under the Treaty and those deriving from the Treaty. The Group reaffirms the statutory role of the Board of Governors and the Director General of IAEA in relation to States’ compliance with safeguards agreements, and underscores the importance of the Agency’s access to the United Nations Security Council and to other relevant organs of the United Nations, particularly though not exclusively in cases of non-compliance. In this regard, the Group supports the former United Nations Secretary-General’s encouragement of the Security Council to regularly invite the IAEA Director General to brief the Council on the status of safeguards and other relevant verification processes. The Group underscores the mandate of the Security Council, in accordance with the Charter of the United Nations, to ensure and uphold compliance with the Treaty and with safeguards agreements, and to take appropriate measures in cases of non-compliance with the Treaty and with safeguards agreements when notified by IAEA of non-compliance. Further, the Group recalls Security Council resolution 1540 of April 2004, resolution 1673 of April 2006, and resolution 1810 of April

2008, in which the Council reaffirmed that the proliferation of nuclear weapons constitutes a threat to international peace and security.

6. The Vienna Group notes that any State party that does not comply with its obligations under the Treaty isolates itself through its own actions from the benefits of constructive international relationships, and from the benefits that accrue from adherence to the Treaty, including, inter alia, from cooperation in the peaceful uses of nuclear energy, until it enters into full compliance.

7. The Vienna Group reaffirms its conviction that IAEA safeguards provide assurance that States are complying with their non-proliferation undertakings, and the mechanism for States to demonstrate this compliance, and, in this regard, notes that the vast majority of States parties are in compliance with their Treaty obligations. The Group further reaffirms that IAEA safeguards thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security and to build the confidence essential for enhanced nuclear cooperation among States. It is the conviction of the Group that safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. Accordingly, IAEA safeguards, which play an indispensable role in ensuring the effective implementation of the Treaty, are an important, integral part of the international regime for nuclear non-proliferation.

8. The Vienna Group calls for the universal application of IAEA safeguards in all States parties in accordance with the provisions of the Treaty. The Group notes that since the 2005 Review Conference, 10 further Comprehensive Safeguards Agreements pursuant to the Non-Proliferation Treaty (NPT) have been brought into force, but expresses its deep concern that 27 States have yet to fulfil their respective obligation under the Treaty. The Group therefore urges those States parties that have not yet done so to conclude such agreements. In addition, the Group calls on all States to submit all nuclear material and activities, both current and future, to IAEA safeguards.

9. The Vienna Group underlines the importance of building and maintaining confidence in the peaceful nature of nuclear activities in non-nuclear-weapon States. In this respect, it recognizes the importance of the annual safeguards conclusions drawn by IAEA with respect to the correctness and completeness of States' declarations. The Group urges all States to cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and questions identified by IAEA, with a view to obtaining and maintaining the required conclusions. The Group notes the importance of the full use of all tools at the disposal of IAEA for the resolution of safeguards issues.

10. The Vienna Group recalls that article III, paragraph 1, of the Treaty requires each non-nuclear-weapon State party to accept safeguards on all source and special fissionable material in all peaceful nuclear activities. The Group recognizes that a State's Comprehensive Safeguards Agreement based on document INFCIRC/153 (Corrected) embodies the obligation of the State to provide the required declarations to IAEA, as well as the right and obligation of IAEA to implement safeguards and to verify that the declarations are both correct and complete. The Group further reaffirms that IAEA, as the competent authority designated under article III to apply safeguards, verifies the correctness and completeness of a State's declarations with a view to providing assurances of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

11. While recognizing the value of a Comprehensive Safeguards Agreement in providing measures for verifying the non-diversion of declared nuclear material, the Vienna Group is conscious that such measures are not sufficient for the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities. The Group therefore considers that it is necessary for a Comprehensive Safeguards Agreement to be supplemented by an Additional Protocol based on document INFCIRC/540 (Corrected). The Group fully endorses the measures contained in the Model Additional Protocol, noting that the implementation of an Additional Protocol provides increased confidence about a State's compliance with article II of the Treaty. In this regard, the Group recognizes the Additional Protocol as an integral part of the IAEA safeguards system and affirms that a Comprehensive Safeguards Agreement together with an Additional Protocol represents the verification standard pursuant to article III, paragraph 1, of the Treaty.

12. The Vienna Group notes that 120 States have signed Additional Protocols, and that such protocols are in force in 91 States. Thus, a majority of States have accepted the verification standard. The Group therefore urges all States parties that have not yet done so to conclude and to bring into force an Additional Protocol as soon as possible.

13. The Vienna Group recognizes the need for IAEA to further facilitate and assist States parties in the conclusion and entry into force of safeguards agreements and additional protocols. In this regard, the Group welcomes the efforts of the IAEA secretariat and a number of IAEA member States to implement a plan of action to encourage wider adherence to the safeguards system, including the promotion of universal adherence to the additional protocol, and the organization of regional seminars.

14. The Vienna Group notes the conclusion reached in June 2005 by the IAEA Board of Governors that the Small Quantities Protocol (SQP), which held in abeyance certain provisions of the Comprehensive Safeguards Agreement for qualifying States, constituted a weakness in the safeguards system. The Group further notes the decision of the IAEA Board of Governors in 2006 to modify the standard SQP text and change the eligibility for an SQP. The Group calls on all SQP States that have not already done so to take the steps necessary to adopt the revised SQP without delay. The Group urges SQP States that are planning to acquire nuclear facilities or to otherwise exceed the criteria of the revised SQP to renounce their SQPs and to resume full application of Comprehensive Safeguards Agreement provisions without delay. The Group further urges all States with SQPs to bring into force an additional protocol in order to provide maximum transparency.

15. The Vienna Group notes that, pursuant to article 7 of a Comprehensive Safeguards Agreement, a State party shall establish and maintain a system of accounting for and control of nuclear material subject to safeguards under the agreement. The Group recognizes the importance of an effective State and/or Regional System of Accounting for and Control of nuclear material (SSAC/RSAC) to the effective and efficient implementation of safeguards. The Group urges all States parties to ensure that their respective SSAC/RSAC cooperates fully with the secretariat and requests the secretariat to continue to assist States with SQPs, including non-members of the Agency, through available resources, in the establishment and maintenance of an effective SSAC.

16. The Vienna Group welcomes the important work being undertaken by IAEA in the conceptualization and the development of State-level approaches to safeguards implementation and evaluation. The group also welcomes the implementation of State-level integrated safeguards approaches by IAEA, which results in a system for verification that is more comprehensive, as well as being more flexible and effective, than other approaches. The Group welcomes the IAEA implementation of integrated safeguards in 36 States (and in Taiwan, Province of China), including several with nuclear power plants. Attention needs to be drawn, however, to the fact that States parties must have both a Comprehensive Safeguards Agreement and an Additional Protocol in place for IAEA to be able to make full use of this improved safeguards system. Implementation of the integrated system can proceed only after an Additional Protocol has entered into force and IAEA has drawn the broad safeguards conclusion essential to enable implementation.

17. The Vienna Group notes that, in order to draw well-founded safeguards conclusions, IAEA needs to receive early design information in accordance with the 1992 decision of the IAEA Board of Governors (IAEA document GOV/2554/Attachment 2/Rev.2), to determine whenever appropriate the status of any nuclear facilities, and to verify, on an ongoing basis, that all nuclear material in non-nuclear-weapon States is placed under safeguards. The Group stresses the need for all non-nuclear-weapon States parties to provide this information to the Agency on a timely basis.

Annex

1. The Vienna Group takes note of the expressions of grave concern by States parties concerning the actions of the Democratic People's Republic of Korea since the latter's stated intention in January 2003 to withdraw from the NPT and its test of a nuclear explosive device in October 2006. In this regard, the Group notes the adoption in 2006 of United Nations Security Council resolutions 1695 (2006) and 1718 (2006) on the Democratic People's Republic of Korea. The Group recalls that the IAEA Board of Governors reported the non-compliance of the Democratic People's Republic of Korea with its NPT safeguards obligations to the Security Council in 2003. While the Group welcomes the progress achieved through the Six Party Talks, it is cognizant that an important part of any normalization of the status of the Democratic People's Republic of Korea with regard to the Treaty will be the verified dismantlement of nuclear weapons and the resumption of safeguards activities in the Democratic People's Republic of Korea consistent with the requirements of article III.

2. The Vienna Group condemns the nuclear test carried out by the Democratic People's Republic of Korea on 9 October 2006. The Group underlines that the Democratic People's Republic of Korea's nuclear weapons programmes remain a serious challenge to the international nuclear non-proliferation regime as well as to peace and stability in the Korean Peninsula and beyond. The Group deeply regrets the Democratic People's Republic of Korea's announcement of withdrawal from the Treaty and calls upon the Democratic People's Republic of Korea to come into compliance with the NPT and with IAEA safeguards. In this context, the Group calls upon the Democratic People's Republic of Korea to dismantle completely its nuclear weapons programme in a prompt, verifiable and irreversible way. It is essential that IAEA play a key role in the verification process

3. The Vienna Group endorses the actions taken by the IAEA Board of Governors, particularly its resolution of 12 February 2003, in which the Board declared the Democratic People's Republic of Korea to be in further non-compliance with its obligations under its Safeguards Agreement and decided to report that non-compliance to the United Nations Security Council as provided for in article XII.C of the IAEA Statute.

4. The Vienna Group welcomed the agreement of 13 February 2007 on initial actions for the implementation of the Joint Statement and the progress made in implementing that agreement, particularly the Democratic People's Republic of Korea shut down and sealing of the core nuclear facilities at Yongbyon and the admission of IAEA to monitor and verify these actions. Likewise, the Group welcomed the agreement of 3 October 2007 on second phase actions and the Democratic People's Republic of Korea's commitments under that agreement to disable the core nuclear facilities at Yongbyon and to provide a complete and correct declaration of all of its nuclear programmes. The Group welcomed the steps that had been taken towards the implementation of this agreement, including the work on disablement at Yongbyon, and is concerned about the recent announcement by the Democratic People's Republic of Korea of its intention to reverse this process. The recent launch by North Korea of a missile sends a discouraging signal for regional security and non-proliferation. We call upon the Democratic People's Republic of Korea to comply with the Security Council resolutions, to meet its Six Party Talks commitments, and to recommit itself to the NPT.

5. The Vienna Group takes note of the assessment of the IAEA Director General that the Islamic Republic of Iran created a confidence deficit through many years of undeclared nuclear activities, and expresses grave concern about the failure of the Islamic Republic of Iran to establish confidence in the peaceful nature of its nuclear activities. The Group recognizes that the nuclear programme of the Islamic Republic of Iran continues to present a major challenge to the non-proliferation regime. In this regard, the Group notes the adoption by the United Nations Security Council of its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), and 1835 (2008), following the IAEA Board of Governors' reporting of the non-compliance of the Islamic Republic of Iran with its NPT safeguards agreement to the Security Council in February 2006 (IAEA document GOV/2006/14). The Group stresses the importance of Security Council resolutions that made mandatory the calls of the IAEA Board for the Islamic Republic of Iran to implement a suspension on enrichment-related activities and to take additional confidence-building measures.

6. The Vienna Group notes that since 2003 the nuclear programme of the Islamic Republic of Iran has been the subject of ongoing and intense verification measures by IAEA. Although the Group recognizes that IAEA has made some progress in clarifying issues, important outstanding questions remain. The Director General has identified possible linkages between the Islamic Republic of Iran's nuclear and military programmes, including possible administrative connections between projects related to uranium conversion, high explosives testing and the design for a missile re-entry vehicle, which could, in his words, "have a military nuclear dimension". The Director General has also made clear that some of these possible linkages may still have some bearing on issues that are now identified as "no longer outstanding". A complete resolution of all the Agency's questions regarding these possible linkages is required if the Agency is to verify that the nuclear programme of the Islamic Republic of Iran is exclusively peaceful in nature. The Group recognizes that the Agency's information regarding these linkages is derived from multiple sources and is consistent with findings in the Agency's own investigations, and it therefore calls on the Islamic Republic of Iran to take note of the scope, nature and gravity of the information presented and to respond in a meaningful way. The Group underlines that a full resolution of all outstanding issues would be a first step towards credible assurances that the Islamic Republic of Iran's nuclear programme is of an entirely peaceful nature.

7. Given the past failures of the Islamic Republic of Iran to declare fully its nuclear activities, the Vienna Group affirms that the establishment of confidence in the Islamic Republic of Iran's nuclear programme requires not only assurances of the non-diversion of declared nuclear material, but also, equally important, of the absence of undeclared nuclear material and activities. In this regard, the Islamic Republic of Iran must fully implement its NPT safeguards agreement, including its modified code 3.1 obligations as they were agreed between the Islamic Republic of Iran and the Agency, and ratify and fully implement its Additional Protocol and all other transparency and access measures requested by the IAEA Director General. The Group notes with serious concern the Islamic Republic of Iran's continuing failure to implement the Additional Protocol that it signed in 2003. The Group underlines the importance of the full cooperation of those States that have provided nuclear technology and equipment to the Islamic Republic of Iran and urges the Islamic Republic of Iran to extend full and prompt cooperation to IAEA.

8. The Vienna Group endorses the action taken by the IAEA Board of Governors on the Islamic Republic of Iran's nuclear programme, including the September 2005 IAEA Board resolution finding that the many failures of the Islamic Republic of Iran and breaches of its obligations to comply with its NPT safeguards agreement constitute non-compliance in the context of article XII.C of the Agency Statute, and the February 2006 IAEA Board resolution requesting the Director General of IAEA to report to the Security Council of the United Nations on the steps required of the Islamic Republic of Iran by the IAEA Board to establish confidence in the peaceful nature of its nuclear programme.

9. The Vienna Group expresses serious concern at the Islamic Republic of Iran's continuing uranium enrichment activities in defiance of IAEA Board resolutions and Security Council resolutions. The Group further expresses concern at the Islamic Republic of Iran's lack of response to the Security Council endorsed proposals of China, France, Germany, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with the support of the European Union High Representative, for a long-term comprehensive solution to the Islamic Republic of Iran nuclear issue, including the provision of legally binding, multi-layered nuclear fuel assurances for the Islamic Republic of Iran. The Group urges the Islamic Republic of Iran to explore alternatives to indigenous enrichment capability. A lasting solution that can alleviate the concerns of the international community as to the nature of the Islamic Republic of Iran's nuclear programme will be an important contribution to the stability of the region.

10. The Vienna Group notes the ongoing IAEA inquiry into allegations that an installation destroyed by Israel in the Syrian Arab Republic (Syria) in September 2007 was a nuclear reactor. The Group regrets the physical circumstances in which IAEA began its investigation of this matter. The Group expresses concern about information that could point to possible undeclared facilities and activities in Syria and also about possible nuclear cooperation between Syria and the Democratic People's Republic of Korea. In view of the serious implications of the issue for the integrity of Syria's safeguards obligations, the Group fully supports the efforts of the Director General to further investigate the situation and urge Syria to cooperate fully with IAEA in resolving this matter by providing the necessary transparency, including allowing visits to the requested locations and access to all available information, for the Agency to complete its assessment. The Group supports the Director General's call on other States that may possess relevant information, including satellite imagery, to make this available to the Agency and to authorize the Agency to share the information with Syria.

11. The Vienna Group welcomes the Libyan Arab Jamahiriya's decision announced in December 2003 to abandon its programme for developing weapons of mass destruction and their means of delivery, and the simultaneous decision of the Libyan Arab Jamahiriya to request the IAEA to ensure through verification that all of the nuclear activities of the Libyan Arab Jamahiriya would henceforth be under safeguards and exclusively for peaceful purposes. The Group further welcomes the Libyan Arab Jamahiriya's signing of an Additional Protocol in March 2004 and its ratification in August 2006. The Group notes the 2008 resolution of the IAEA Board of Governors in this regard and considers the actions of the Libyan Arab Jamahiriya a prominent example of the benefits available to States that embrace transparency and commit to compliance with the highest non-proliferation standards.