

2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 March 2010

Original: English

New York, 3-28 May 2010

Article V, article VI and the eighth to twelfth preambular paragraphs of the Comprehensive Nuclear-Test-Ban Treaty

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

Draft review language

1. The Conference reaffirms the essential role of the Comprehensive Nuclear-Test-Ban Treaty within the nuclear disarmament and non-proliferation regime and therefore its vital relevance to the Non-Proliferation Treaty. The Test-Ban Treaty was an integral part of the indefinite extension of the Non-Proliferation Treaty. The Conference therefore stresses that the early entry into force of the Test-Ban Treaty is of utmost urgency and importance and reiterates the agreement from the 2000 Review Conference, at which the early entry into force of the Test-Ban Treaty was identified as the first of 13 practical nuclear disarmament steps. The Conference reaffirms that the provisions of article V of the Non-Proliferation Treaty as regards the peaceful applications of any nuclear explosions are to be interpreted in the light of the Test-Ban Treaty.
2. The Conference notes with concern that, 13 years after it was opened for signature, the Test-Ban Treaty still has not entered into force. The Conference welcomes the fact that the Test-Ban Treaty has been signed by 182 States, 151 of which have also ratified it, including 35 whose ratification is necessary for entry into force. The Conference renews its call upon all States, in particular the remaining nine annex 2 States whose ratification is a prerequisite for entry into force, to sign and/or ratify the Treaty without delay and without conditions. The Conference also recalls Security Council resolution 1887 (2009), which calls upon all States to sign and ratify the Treaty.
3. The Conference welcomes the high-level political support for the Conference on Facilitating the Entry into Force of the Test-Ban Treaty held in September 2009 and its adoption of 10 specific and practical measures to promote the early entry into force of the Test-Ban Treaty. The Conference thanks the Special Representative to promote the ratification process of the Test-Ban Treaty for his excellent work in this regard.



4. Reiterating that the Test-Ban Treaty constrains the development of nuclear weapons and their qualitative improvement, the Conference reaffirms that the Treaty combats both horizontal and vertical nuclear proliferation. The Conference is concerned that any development of new types of nuclear weapons may result in the resumption of tests and a lowering of the nuclear threshold. The Conference calls upon all States to refrain from any action which would defeat the object and purpose of the Test-Ban Treaty pending its entry into force.

5. Pending the entry into force of the Test-Ban Treaty, the Conference underlines that existing moratoriums on nuclear weapon test explosions and any other nuclear test explosions must be maintained. The Conference stresses, however, that such moratoriums cannot serve as a substitute for ratifying the Test-Ban Treaty and that only the Treaty offers the global community the prospect of a permanent and legally binding and verifiable commitment to end nuclear testing.

6. The Conference welcomes the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization in establishing the system that will enable the verification of compliance with the Test-Ban Treaty. The Conference calls upon all parties to support this work, which must lead to an effective, reliable, participatory and non-discriminatory verification system with global reach.

Annex**Working paper: Comprehensive Nuclear-Test-Ban Treaty**

1. The Vienna Group of Ten (hereafter “the Vienna Group”) reaffirms that the Comprehensive Nuclear-Test-Ban Treaty constitutes an effective measure of nuclear disarmament and nuclear non-proliferation in all its aspects and that it is vital to the Non-Proliferation Treaty. The Test-Ban Treaty was an integral part of the indefinite extension of the Non-Proliferation Treaty. The Group therefore stresses that the entry into force of the Test-Ban Treaty is of the utmost urgency and importance and reiterates the agreement from the 2000 Review Conference, at which the early entry into force of the Test-Ban Treaty was identified as the first of 13 practical nuclear disarmament steps. The Group reaffirms that the provisions of article V of the Non-Proliferation Treaty are to be interpreted in the light of the Test-Ban Treaty.

2. Reiterating that the Test-Ban Treaty constrains the development of nuclear weapons and their qualitative improvement, the Vienna Group reaffirms that the Test-Ban Treaty combats both horizontal and vertical nuclear proliferation. The Group is concerned that any development of new types of nuclear weapons may result in the resumption of tests and a lowering of the nuclear threshold. The Group calls upon all States to refrain from any action that would defeat the object and purpose of the Test-Ban Treaty, pending its entry into force. The Democratic People’s Republic of Korea’s nuclear tests of 9 October 2006 and 25 May 2009, internationally condemned, further underlined the need for a universal and effective international monitoring and verification system for detecting nuclear explosions.

3. The Vienna Group underlines that existing moratoriums on nuclear weapon test explosions and any other nuclear test explosions must be maintained, pending the entry into force of the Test-Ban Treaty. The Group stresses, however, that such moratoriums cannot serve as a substitute for ratifying the Test-Ban Treaty and that only the Treaty offers the global community the prospect of a permanent and legally binding commitment to end nuclear testing.

4. The Vienna Group notes with concern that, 13 years after it was opened for signature, the Test-Ban Treaty is yet to enter into force. However, it warmly welcomes the fact that a growing number of countries have ratified the Treaty since 2005, including two countries — as listed in annex 2 — whose ratifications are a prerequisite for the entry into force of the Treaty. Reducing the number of those annex 2 countries gives a strong signal on the norm against testing of nuclear weapons and reinforces the international community’s expectations that the nine remaining States will follow suit. The Test-Ban Treaty has been signed by 182 States, 151 of which have also ratified it, including 35 whose ratification is necessary for entry into force. The Group renews its call upon all States yet to do so to sign and/or ratify the Treaty without delay, in particular the nine remaining annex 2 countries, and to recognize the value of the Test-Ban Treaty for their national and for international security. The reliable performance of the international monitoring system and the practical development of other aspects of the verification regime, as well as the example of a still growing number of ratifiers, should help them make a positive decision.

5. The Vienna Group is encouraged by recent political developments, which indicate that the overall political context has become more favourable with regard to the Test-Ban Treaty and hopes this will be reflected in the outcome of the Review

Conference. The sixth article XIV conference held in September 2009, with its unprecedented high-level ministerial attendance, confirmed the commitment of the international community to the Test-Ban Treaty and highlighted the importance of its earliest possible entry into force, which was further recognized by the Security Council in its resolution 1887 (2009).

6. The Vienna Group welcomes ideas and initiatives, such as the international scientific studies project aimed at further enhancing the involvement of individual Governments, scientists and national scientific institutions, that are being pursued as a useful way to create broader national support for the benefits of the Treaty and to maintain levels of expertise and investment required for verification of the Test-Ban Treaty.

7. The Vienna Group welcomes the progress made by the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization (CTBTO) to build the system to verify compliance with the Test-Ban Treaty at its entry into force. The goal of this work should be an effective, reliable, participatory and non-discriminatory verification system with global reach. Ultimately, however, this verification system can only show its full worth once the Test-Ban Treaty has entered into force.

8. In order to enable the provisional technical secretariat of CTBTO to complete the Preparatory Commission's mandate, the Vienna Group calls upon States signatories to support the work of that organization by providing adequate resources and political support, as well as relevant expertise, and to make every effort to ensure that the technical aspects of CTBTO's work continue to move ahead at an appropriate pace and do not impede political progress towards entry into force. All major components of the verification system must be ready to operate by the time of entry into force.

9. Finally, the Vienna Group stresses that the 2010 Review Conference should reach consensus on a conclusion underlining the essential role of the Test-Ban Treaty for the nuclear disarmament and non-proliferation regime, calling upon all States that have not yet done so, in particular those listed in annex 2, to sign and ratify the Test-Ban Treaty without delay and without conditions, reiterating the call upon all States to abide by a moratorium and to refrain from any actions contrary to the obligations and provisions of the Treaty and highlighting and supporting the important work of the Preparatory Commission.