

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 III and the fourth and fifth preambular paragraphs, especially in their relationship to article IV and the sixth and seventh preambular paragraphs (physical protection and illicit trafficking)

**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 underlines the paramount importance of effective physical protection of nuclear material and nuclear facilities and the need for all States to maintain the highest standards of physical protection. The Conference calls on all States to apply, as appropriate, the recommendations on the physical protection of nuclear material and nuclear facilities contained in International Atomic Energy Agency (IAEA) document INFCIRC/225/Rev.4 (Corrected) and in other relevant international instruments at the earliest possible date.
2. The Conference emphasizes the important role of IAEA in the global efforts to improve the global nuclear security framework and to promote its implementation. The Conference welcomes the work being undertaken by IAEA in developing the Nuclear Security Series, including the revision of INFCIRC/225/Rev.4. The Conference acknowledges the important contribution of IAEA in assisting States in meeting appropriate security standards and calls on States to take full advantage of the Agency’s advisory services in that regard.
3. The Conference welcomes the adoption by consensus, at the conference held in Vienna in July 2005, of an important amendment to the Convention on the Physical Protection of Nuclear Material. The Conference calls on all States parties to the Convention to ratify the amendment as soon as possible and encourages them to act in accordance with the object and purpose of the amendment until such time as it enters into force. The Conference calls on all States that have not yet done so to adhere to the Convention and adopt the amendment as soon as possible.
4. The Conference recognizes the non-proliferation and security benefits of the minimization of the use of highly enriched uranium in civilian applications and



welcomes the efforts of IAEA to assist countries which, on a voluntary basis, have chosen to take steps to minimize the use of highly enriched uranium in civilian nuclear applications.

5. The Conference welcomes the work of IAEA in support of the efforts of States parties to combat illicit trafficking of nuclear materials and other radioactive substances. The Conference welcomes IAEA activities undertaken to provide for the enhanced exchange of information, including the continued maintenance of its illicit trafficking database. The Conference recognizes the need for enhanced coordination among States and among international organizations in preventing, detecting and responding to the illicit trafficking in nuclear and other radioactive materials. The Conference calls upon all States to improve their national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials throughout their territories and calls upon those States in a position to do so to work to enhance international partnerships and capacity-building in this regard.

6. The Conference welcomes the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism as the thirteenth multilateral legal instrument dealing with terrorism and urges all States that have not yet done so to become party to the Convention as soon as possible. The Conference also welcomes the establishment of the Global Initiative to Combat Nuclear Terrorism, which aims at developing a partnership capacity to combat nuclear terrorism on a determined and systematic basis, consistent with obligations under relevant international legal frameworks.

Annex

Working paper: physical protection and illicit trafficking

1. The Vienna Group of Ten (hereafter “the Vienna Group”) notes that article III of the Treaty is designed to detect and prevent the diversion of nuclear material, equipment and technology. This relates to not only diversion at the State level but also diversion to individuals or subnational groups. The Group notes in this regard that physical protection and measures to combat illicit trafficking are parts of a national system of nuclear security, the existence of which should be made a precondition for transfers of nuclear material, sensitive equipment or technology.

2. The Vienna Group emphasizes the important role of IAEA in the global efforts to improve the global nuclear security framework and to promote its implementation. In continuing and strengthening this function, IAEA should take an active role in facilitating effective cooperation and coordination at the international and regional levels. The Group welcomes the stated intention of IAEA to establish a comprehensive set of nuclear security guidelines and recommendations and the work currently being undertaken by IAEA in developing the Nuclear Security Series. The Group acknowledges the important contribution of IAEA in assisting States in meeting appropriate security standards and calls on States to take full advantage of the IAEA advisory services in that regard, including the IAEA International Physical Protection Advisory Service and the establishment of Integrated Nuclear Security Support Plans.

3. The Vienna Group underlines the paramount importance of effective physical protection of nuclear material and nuclear facilities and the need for all States to maintain the highest standards of physical protection. The Group calls on all States to apply, as appropriate, the recommendations on the physical protection of nuclear material and nuclear facilities contained in IAEA document INFCIRC/225/Rev.4 (Corrected) and in other relevant international instruments at the earliest possible date. The Group looks forward to the revision of INFCIRC/225/Rev.4 (Corrected) in order to harmonize it with the 8 July 2005 amendment to the Convention on the Physical Protection of Nuclear Material and to take into account other recent international nuclear security commitments, including Security Council resolution 1540 (2004), the International Convention for the Suppression of Acts of Nuclear Terrorism and the IAEA Nuclear Security Series. The Group welcomes the ongoing work to revise INFCIRC/225/Rev.4.

4. The Vienna Group welcomes new accessions to the Convention on the Physical Protection of Nuclear Material, noting that Security Council resolution 1373 (2001) calls on all States to accede to the Convention. The Group welcomes the adoption by consensus, at the Conference held in July 2005 in Vienna, of an important amendment to the Convention, which substantially strengthens the Convention, extending its scope to cover the physical protection of nuclear facilities and the domestic transport, storage and use of nuclear material, thereby strengthening the global nuclear security framework. The amendment requires States parties to have effective and appropriate domestic security regimes for nuclear materials and nuclear facilities, including to protect against sabotage. It provides for the mitigation of the radiological consequences of sabotage and expanded cooperation between and among States regarding rapid measures to locate and recover stolen or smuggled nuclear material. The Group calls on all States

parties to the Convention to ratify the amendment as soon as possible and encourages them to act in accordance with the object and purpose of the amendment until such time as it enters into force. The Group calls on all States that have not yet done so to adhere to the Convention and adopt the amendment as soon as possible. The Group notes that continued and enhanced efforts are needed to provide for the full and effective implementation of the Convention.

5. The Vienna Group welcomes the approval by the IAEA Board of Governors of the Code of Conduct on the Safety and Security of Radioactive Sources and supports the subsequent adoption by the Board of a comprehensive action plan for its implementation. The Group welcomes the approval by the IAEA Board of Governors of the Guidance on the Import and Export of Radioactive Sources and recalls that the IAEA General Conference has encouraged States to act in accordance with the Guidance on a harmonized basis. The Group calls upon all States parties to make a political commitment to the Code and the Guidance and subsequently implement them.

6. The Vienna Group recognizes the non-proliferation and security benefits of the minimization of the use of highly enriched uranium in civilian applications, including the conversion of civilian research reactors to low-enriched uranium fuel. The Group welcomes the efforts of IAEA to assist countries which, on a voluntary basis, have chosen to take steps to minimize the use of highly enriched uranium in civilian nuclear applications.

7. The Vienna Group notes with serious concern the revelations that emerged in 2004 about illicit trade in highly sensitive nuclear equipment and technology, brought to the attention of IAEA member States by the Director General reports to the Board of Governors. The Group fully endorses the call of the Director General for full cooperation from all IAEA member States in identifying the supply routes and sources of the technology, related equipment and nuclear and non-nuclear materials. The Group recognizes the increased need for all States to reinforce their efforts on improving existing control mechanisms.

8. The Vienna Group welcomes the work of IAEA in support of efforts of States parties to combat illicit trafficking of nuclear materials and other radioactive substances. The Vienna Group welcomes IAEA efforts to assist IAEA member States in strengthening their regulatory control on the applications of radioactive materials, including the Agency's International Catalogue of Sealed Radioactive Sources and Devices. The Group also welcomes IAEA activities undertaken to provide for the enhanced exchange of information, including the continued maintenance of its illicit trafficking database. The Group recognizes the need for enhanced coordination among States and among international organizations in preventing, detecting and responding to the illicit trafficking in nuclear and other radioactive materials.

9. The Vienna Group notes that continued efforts to enhance the prevention of terrorist acts, as well as the physical protection and accountability of nuclear and other radioactive material in nuclear and non-nuclear use, and in storage and transport, throughout their life cycle, in a comprehensive and coherent manner, should be priorities for strengthening nuclear security. The Group calls for the acceleration of efforts to develop and implement a fully effective global nuclear security framework based on prevention, detection and response.

10. The Vienna Group expresses its deep satisfaction at the entry into force on 7 July 2007 of the International Convention for the Suppression of Acts of Nuclear Terrorism as the thirteenth multilateral legal instrument dealing with terrorism and urges all States that have not yet done so to become party to the Convention as soon as possible, noting that the Convention is an important addition to international defences against nuclear terrorism.

11. The Vienna Group notes that in its resolution 1540 (2004), the Security Council requires all States to establish appropriate effective controls over materials related to nuclear weapons and their means of delivery, and to this end, to establish appropriate effective physical protection measures, and appropriate effective border controls and law enforcement efforts, to detect, deter, prevent and combat illicit trafficking and brokering in nuclear-weapon-related materials. The requirements of Security Council resolution 1540 (2004) are reiterated in Security Council resolutions 1673 (2006) and 1810 (2008), which emphasize the importance of all States fully implementing resolution 1540 (2004).

12. The Vienna Group further notes the relevant provisions of Security Council resolution 1887 (2009), which, inter alia, calls for universal adherence to the Convention on the Physical Protection of Nuclear Material and its 2005 amendment, reaffirms the need for full implementation of resolution 1540 (2004) and calls on States to share best practices with the aim of securing all vulnerable nuclear material, manage responsibly and minimize the use of highly enriched uranium for civilian purposes and improve national capabilities to detect, deter and disrupt illicit trafficking in nuclear materials.

13. The Vienna Group welcomes the continued contributions made by the Group of Eight Global Partnership against the Spread of Weapons and Materials of Mass Destruction to enhancing the physical protection of nuclear facilities and material in the former Soviet Union. The Group likewise welcomes the contribution of the Global Threat Reduction Initiative in reducing and protecting vulnerable nuclear and radiological materials located at civilian sites worldwide.

14. The Vienna Group welcomes the establishment of the Global Initiative to Combat Nuclear Terrorism, which aims at developing partnership capacity to combat nuclear terrorism on a determined and systematic basis, consistent with obligations under relevant international legal frameworks, such as the International Convention for the Suppression of Acts of Nuclear Terrorism and the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities as amended in 2005. The Group welcomes IAEA participation as an observer in the Initiative and encourages IAEA to continue to play a constructive role in this and other international nuclear-security-related initiatives.