

Treaty on the Non-Proliferation of Nuclear Weapons
2010 Review Conference
New York, 4 May – 28 May 2010

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

Article III (3) and IV, preambular paragraphs 6 and 7, especially in their relationship to Article III (1), (2) and (4) and preambular paragraphs 4 and 5

[Co-operation in the Peaceful Uses of Nuclear Energy]

Draft Review language:

The Review Conference:

1. Reaffirms the right of all Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty, and notes that – for the purposes of Article IV of the Treaty – “nuclear energy” embraces both power and non-power applications.
2. Recognizes the benefits that can be obtained from the peaceful applications of nuclear energy and nuclear techniques in the fields referred to in articles II and III in the Statute of the IAEA.
3. Stresses that adherence to, and compliance with the non-proliferation and verification requirements of the Treaty are the essential basis for peaceful nuclear cooperation and commerce, and that implementation of IAEA safeguards makes a vital contribution to the environment for the development of and international cooperation in the peaceful uses of nuclear energy.
4. Underlines the essential role of the IAEA in assisting developing States Party in the peaceful use of nuclear energy, under the best safety, security and non-proliferation conditions, through the development of effective and adequately funded programs aimed at improving their scientific, technological and regulatory capabilities. Recommends that IAEA continue, through its Technical Cooperation Programme, to take into account the needs of developing countries, including least developed countries, when planning its future activities.

Working Paper: Co-operation in the Peaceful Uses of Nuclear Energy

1. The *1968 Treaty on the Non-Proliferation of Nuclear Weapons* fosters the development of the peaceful uses of nuclear energy by providing a framework of confidence that is a precondition for those uses. By aiming to ensure that nuclear materials and facilities do not contribute to nuclear proliferation, the Treaty creates the necessary basis for technological transfer and co-operation.
2. The Vienna Group of Ten (hereafter “the Vienna Group”) notes that – for the purposes of Article IV of the Treaty – “nuclear energy” embraces both power and non-power applications.
3. Nothing in the Treaty shall be interpreted as affecting the inalienable right of all the States Party to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I, II and III of the Treaty. The Vienna Group recognises that this right constitutes one of the fundamental objectives of the Treaty. States may choose individually not to exercise all their rights, or to exercise those rights collectively.
4. The Vienna Group recognises the benefits that can be obtained from the peaceful applications of nuclear energy and nuclear techniques in the fields referred to in articles II and III in the Statute of the IAEA.
5. While maintaining an overall commitment to Article IV of the NPT, the Vienna Group regards adherence to, and compliance with, the non-proliferation and verification requirements of the Treaty as a precondition for cooperation in the peaceful uses of nuclear energy. In this regard, universal adherence to the Additional Protocol to States’ Safeguards Agreements is a requirement for a stable, open and transparent international security environment, in which peaceful nuclear cooperation can take place
6. The Vienna Group considers that States Party should not engage in active nuclear cooperation with those States Party that are in non-compliance with the terms of their Safeguards Agreements with the IAEA, as established by the IAEA Board of Governors, unless such cooperation is consistent with relevant decisions of the Board of Governors or the United Nations Security Council.
7. All States Party to the Treaty have undertaken to facilitate, and have the right to participate in, the fullest possible exchange of equipment, material, services, and scientific and technological information for the peaceful uses of nuclear energy in a safe and secure environment. The Vienna Group notes the contribution that such exchanges can make to progress in general.

8. In all activities designed to facilitate the peaceful uses of nuclear energy, the Vienna Group affirms that an INFCIRC/153 (Corrected) Safeguards Agreement together with an Additional Protocol (INFCIRC/540 (Corrected)) represent the verification standard pursuant to Article III.1 of the Treaty.
9. The Vienna Group underlines the importance of instruments and codes of conduct developed within the framework of the IAEA for the purpose of preventing and mitigating any potential harmful effects on human safety and the environment.
10. The Vienna Group underlines the essential role of the IAEA in assisting developing States Party in the peaceful use of nuclear energy through the development of effective programs aimed at improving their scientific, technological and regulatory capabilities.
11. The Vienna Group commends the IAEA Secretariat for its efforts to enhance the effectiveness, efficiency and transparency of the Agency's Technical Co-operation Programme and to ensure the continuing relevance of the programme to the changing circumstances and needs of recipient IAEA Member States. In this context, the group stresses the importance for technical co-operation of the IAEA Medium Term Strategy, which seeks to promote major priorities of each recipient, through model project standards and expanded use of country programme frameworks and thematic plans as well as through ensuring government commitment as a prerequisite for such co-operation. The group recommends that the IAEA continue taking this objective – and the needs of developing countries, notably least-developed countries – into account when planning its future activities.
12. Technical co-operation activities can only be properly assured in the long term when the financial requirements for all statutory activities of the IAEA are fully met. In this context, the Vienna Group stresses the importance of the IAEA's resources for technical co-operation activities being assured, predictable and sufficient to meet objectives mandated by Article IV, Paragraph 2 of the Treaty and Article II of the IAEA Statute, and urges all IAEA Member States to make every effort to contribute to the Agency's Technical Co-operation Fund as well as to honour their obligations to pay their Assessed Programme costs, as well as any arrears of National Participation Costs.