

# Preparatory Committee for the 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Safeguards

### Working paper presented by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons\*\*

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons expresses its strong concern at the growing resort to unilateralism and unilaterally imposed prescriptions and, in this context, strongly underlines and affirms that multilateralism and multilaterally agreed solutions, in accordance with the Charter of the United Nations, provide the only sustainable method of addressing disarmament and international security issues. In this regard, the Group underlines that the International Atomic Energy Agency (IAEA) established multilateral mechanism is the most appropriate way to address verification and safeguards issues. At the same time, the Group emphasizes that the IAEA's work with regard to safeguards and verification has to be conducted in accordance with the provisions of its statute and safeguards agreements.
2. The Group of Non-Aligned States Parties to the Treaty stresses the importance of the IAEA safeguards system and urges all States that have yet to bring into force comprehensive safeguards agreements to do so as soon as possible, in order to achieve the universality of the comprehensive safeguards. The 2000 Review Conference considered this as a main objective to consolidate and enhance the verification system for the non-proliferation regime. However, in view of the Group, additional measures related to the safeguards shall not affect the rights of the non-nuclear-weapon States parties to the Treaty which are already committed to non-proliferation of nuclear weapons and have renounced the nuclear-weapon option. The Group also expresses its strong rejection of attempts by any member State to use the technical cooperation programme of the IAEA as a tool for political purposes in violation of its statute.
3. The Group of Non-Aligned States Parties to the Treaty emphasizes that strict observance of and adherence to IAEA comprehensive safeguards and to the Treaty on the Non-Proliferation of Nuclear Weapons is a condition for any cooperation in the nuclear area with States not parties to the Treaty, or for any supply arrangement with such States for the transfer of source or special fissionable material, or

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\*\* The present working paper is being issued without formal editing.



equipment or material specially designed or prepared for the processing, use or production of special fissionable material.

4. The Group of Non-Aligned States Parties to the Treaty calls on all States not parties to the Treaty to accede, without any further delay and any preconditions and as non-nuclear-weapon States, to the Treaty and place all their nuclear facilities under IAEA full-scope safeguards. The Group proposes that the nuclear-weapon States undertake to accept full-scope safeguards. This is to be set forth in an agreement to be negotiated and concluded with IAEA in accordance with its statute, for the exclusive purpose of verification of the fulfilment of the nuclear-weapon States' obligations assumed under this Treaty with a view to providing baseline data for future disarmament and preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as well as the prohibition of the transfer of all nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear scientific or technological fields to States non parties to the Treaty without exception.

5. The Group of Non-Aligned States Parties to the Treaty confirms that all States parties to the Treaty shall refrain from the transfer of nuclear technology and materials to States non parties to the Treaty unless they are placed under the IAEA comprehensive safeguards. In this connection, the Group confirms that the obligation under article III of the Treaty in verifying the peaceful nature of nuclear programmes provides credible assurances enabling States parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes in accordance with article IV of the Treaty. Therefore, States parties to the Treaty are called upon to refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States parties with comprehensive safeguards agreements.

6. The Group of Non-Aligned States Parties to the Treaty fully recognizes the role of the IAEA as an independent intergovernmental, science and technology-based organization, which serves as the sole competent authority responsible for verifying and assuring compliance by States parties with their safeguards agreements undertaken in fulfilment of their obligations under article III (1) of the Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

7. The Group of Non-Aligned States Parties to the Treaty emphasizes that it is fundamental to make a clear distinction between legal obligations and voluntary confidence-building measures and that such voluntary undertakings shall not be turned into legal safeguards obligations. In this regard, the Group also emphasizes that IAEA shall ensure avoiding any ultra vires acts which jeopardizes its integrity and credibility. The Group urges States parties to the Treaty to maintain and strengthen the technical character of the IAEA consistent with its statute.

8. With respect to safeguards, the Group of Non-Aligned States Parties to the Treaty believes that the differentiated nature of the financial obligations undertaken by States members of the IAEA should be recognized and respected by the IAEA in its work.

9. The Group of Non-Aligned States Parties to the Treaty, while stressing the importance of safeguards and the significance of maintaining the principles of

confidentiality regarding safeguards, underlines the vital responsibility of the IAEA in this regard. Since the Agency is the only organization which receives highly confidential and sensitive information on nuclear facilities of member States, and given the undesirable incidents of leakage of such information, the Group emphasizes that the confidentiality of such information shall be fully respected and that the regime for their protection needs to be highly strengthened. In view of the Group, safeguards-related confidential information should not be provided in any way to any party not authorized by the Agency.

10. In this context, the Group of Non-Aligned States Parties to the Treaty calls for the implementation of resolution GC(54)/RES/11 adopted by the fifty-fourth session of the IAEA General Conference on “strengthening the effectiveness and improving the efficiency of the safeguards system and application of the Model Additional Protocol”, which by “Stressing the importance of maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards in accordance with the Agency’s statute and safeguards agreements”, “acknowledges the concerns expressed by the Director General on the need to protect safeguards confidential information within the secretariat and his announcement of additional measures to protect such information” and accordingly “urges the Director General to exercise the highest vigilance in ensuring the proper protection of safeguards confidential information, and requests the Director General to continue to review and update the established procedure for the protection of safeguards confidential information”.

11. The Group of Non-Aligned States Parties to the Treaty underlines the importance that the reporting of the IAEA on the implementation of safeguards should continue to be factual and technically based and reflect appropriate reference to the relevant provisions of safeguards agreements.

12. The Group of Non-Aligned States Parties to the Treaty stresses the need to strictly observe the provisions of the IAEA statute, including its article 12 which outlines the mandate of the Agency in verifying compliance with safeguards agreements and in particular that any non-compliance has first to be reported by the Agency’s inspectors.

13. The Group of Non-Aligned States Parties to the Treaty stresses the statutory role of the IAEA on nuclear disarmament, including applying safeguards on nuclear materials derived from the dismantling of nuclear weapons and recognizes the Agency’s capability to verify nuclear disarmament agreements.

14. The Group of Non-Aligned States Parties to the Treaty expresses its serious concern over certain unilateral politically motivated attempt to hamper exercising the inalienable rights of States parties to develop research, production and use of nuclear energy for peaceful purposes, and believes, in this regard, that interpretations in the application of safeguards shall not be used as a tool to that end. In view of the Group, article III while providing for the undertaking by each non-nuclear-weapon State to conclude safeguards agreements with the IAEA, is equally explicit in articulating that the implementation of such safeguards shall be “in a manner designed to comply with article IV of this Treaty and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing”.