

---

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

4 May 2009

Original: English

---

**Third session**

New York, 4-15 May 2009

**Article III, paragraph 3, article IV and preambular  
paragraphs 6 and 7, especially in their relationship to  
article III, paragraphs 1, 2 and 4, and preambular  
paragraphs 4 and 5 (Cooperation in the peaceful uses  
of nuclear energy)**

**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. *Acknowledge* the right of all parties to the Treaty to undertake research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I, II and III of the Treaty;
2. *Underline* the essential role of the International Atomic Energy Agency (IAEA) in assisting developing States parties in engaging in the peaceful use of nuclear energy, under the best safety, security and non-proliferation conditions, through the development of effective and adequately funded programmes aimed at improving their scientific, technological and regulatory capabilities.



## **Working paper: Cooperation 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 as 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 environment for technological transfer and cooperation.
2. The Vienna Group of Ten (hereinafter referred to as “the Vienna Group”) notes that, for the purposes of complying with 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 parties to the Treaty to undertake 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 recognizes that the exercise of 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. While maintaining an overall commitment to the provisions of article IV of the Treaty on the Non-Proliferation of Nuclear Weapons, the Vienna Group regards universal 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 the Safeguards Agreements of States is a requirement for a stable, open and transparent international security environment, in which peaceful nuclear cooperation can take place.
5. The Vienna Group considers that States parties should not engage in active nuclear cooperation with those States parties that are in non-compliance with the terms of their Safeguards Agreements with the International Atomic Energy Agency (IAEA), as established by the IAEA Board of Governors, unless such cooperation is consistent with relevant decisions of the Board of Governors or the Security Council.
6. All States parties 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.
7. In all activities designed to facilitate the peaceful uses of nuclear energy, the Vienna Group affirms that a Safeguards Agreement (INFCIRC/153 (Corrected)), together with an Additional Protocol (INFCIRC/540 (Corrected)), represent the Agency’s safeguards system pursuant to article III.1 of the Treaty.
8. The Vienna Group underlines the importance of instruments and codes of conduct developed within the framework of IAEA for the purpose of preventing and mitigating any potential harmful effects on human safety and the environment.
9. The Vienna Group underlines the essential role of IAEA in assisting developing States parties in engaging in the peaceful use of nuclear energy through

the development of effective programmes aimed at improving their scientific, technological and regulatory capabilities.

10. The Vienna Group commends the IAEA secretariat for its efforts to enhance the effectiveness, efficiency and transparency of the Agency's Technical Cooperation 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 cooperation of the present IAEA Medium-term Strategy, which seeks to promote the 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 cooperation. The Group recommends that IAEA continue taking this objective — and the needs of developing countries, notably least developed countries — into account when planning its future activities.

11. Technical cooperation activities can be properly assured in the long term only when the financial requirements for all statutory activities of IAEA are fully met. In this context, the Vienna Group stresses the importance of ensuring that IAEA resources for technical cooperation activities are assured, long-term, 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 Cooperation Fund as well as to honour their obligations to pay their assessed programme costs, as well as any arrears of national participation costs.

---