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

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Compliance and verification

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

Key points

- The Treaty on the Non-Proliferation of Nuclear Weapons and its universalization are of the utmost importance, and we encourage those remaining States who have not acceded to the Treaty to do so as soon as possible.
- Comprehensive safeguards agreements are essential for verifying the non-diversion of declared nuclear material, but are not sufficient for the International Atomic Energy Agency (IAEA) to provide credible assurances regarding the absence of undeclared nuclear material and activities. It is necessary for a comprehensive safeguards agreement to be supplemented by an additional protocol, on the basis of document INFCIRC/540 (Corrected).
- All States found to be in non-compliance should move promptly to full compliance with their obligations.
- Those States parties that have not concluded comprehensive safeguards agreements should do so as soon as possible and without further delay. All States should submit all nuclear material and activities, both current and future, to IAEA safeguards.

Working paper on the implementation of the action plan

1. The Vienna Group of Ten stresses the important contribution of the Treaty to global security and its effectiveness in preventing nuclear proliferation. Intense international concern about the proliferation of nuclear weapons, including potentially to non-State actors, has added to the importance of the Treaty-based nuclear non-proliferation regime.
2. The Treaty plays a unique role in fostering the necessary framework of mutual confidence in the solely peaceful use of nuclear energy by States parties. In this



context, the Vienna Group places great importance on the universalization of the Treaty, and encourages those remaining States that have not acceded to the Treaty to do so as soon as possible.

3. The Treaty confers a set of interrelated and mutually reinforcing obligations and rights on States parties. Accountability is a key element of the Treaty regime, which can be made stronger and more transparent through adherence by all States parties to the strengthened safeguards system pursuant to article III of the Treaty, in order to provide assurances of compliance with article II, and to create the stable international environment necessary to allow for the full realization of article IV. The Vienna Group affirms the fundamental importance of full compliance with all the provisions of the Treaty, including with relevant safeguards agreements and subsidiary arrangements. The Group notes that the integrity of the Treaty depends upon full respect by States parties for their obligations under the Treaty and those deriving from the Treaty.

4. IAEA safeguards are a fundamental component of the nuclear non-proliferation regime, play an indispensable role in the implementation of the Treaty and help to create an environment conducive to nuclear cooperation.

5. While recognizing a comprehensive safeguards agreement is essential in providing measures for verifying the non-diversion of declared nuclear material, such measures are not sufficient for the Agency to provide credible assurances regarding the absence of undeclared nuclear material and activities. The Vienna Group therefore considers it necessary for a comprehensive safeguards agreement to be supplemented by an additional protocol on the basis of document INFCIRC/540 (Corrected).

6. The 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirmed that IAEA is the competent authority responsible for verifying and assuring, in accordance with the statute of IAEA and the safeguards system of the Agency, compliance by States parties with their safeguards agreements undertaken in fulfilment of their obligations under article III, paragraph 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 Vienna Group reaffirms the statutory role of the Board of Governors and the Director General of IAEA in relation to States' compliance with safeguards agreements, and underscores the importance of the Agency's access to the Security Council and to other relevant organs of the United Nations, particularly, though not exclusively, in cases of non-compliance. In this context, the Group recalls Security Council resolution 1887 (2009) in which the Council reaffirmed that the proliferation of nuclear weapons constitutes a threat to international peace and security. The Group encourages the Council to continue to regularly invite the Director General to brief the Council on the status of safeguards and other relevant verification processes. The Group underscores the mandate of the Security Council, in accordance with the Charter of the United Nations, to ensure and uphold compliance with the Treaty, and to take appropriate measures in cases of non-compliance with the Treaty and with safeguards agreements, when notified by IAEA of non-compliance. In this regard, the Group recalls Council resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011).

8. Meeting current and potential compliance challenges are key tasks for the strengthened review process of the Non-Proliferation Treaty. These challenges pose a significant test for the Treaty, and need to be met firmly by upholding the Treaty's integrity and reinforcing the authority of the safeguards system of IAEA.

9. The Vienna Group reaffirms its conviction that the universal application of comprehensive safeguards agreements and additional protocols provides assurance that States are complying with their non-proliferation undertakings, and the mechanism for States to demonstrate this compliance. In this regard, the Group notes that the vast majority of States parties are in compliance with their Treaty obligations.

10. The Group notes that any State party that does not comply with its obligations under the Treaty isolates itself, through its own actions, from the benefits of constructive international relationships, and from the benefits that accrue from adherence to the Treaty, including, inter alia, from cooperation in the peaceful uses of nuclear energy, until it enters into full compliance. The Group calls on those States that are non-compliant to move promptly to full compliance with their obligations.

11. The Vienna Group notes that, since the 2010 Review Conference, four further comprehensive safeguards agreements pursuant to the Non-Proliferation Treaty have been brought into force, but expresses its deep concern that 14 States have yet to fulfil their respective obligations under the Treaty. The Group therefore urges those States parties that have not yet done so to conclude such agreements without further delay. In addition, the Group calls on all States to submit all nuclear material and activities, both current and future, to IAEA safeguards.

12. The Group recognizes the importance of the annual safeguards conclusions drawn by IAEA with respect to the correctness and completeness of States' declarations and urges all States to cooperate fully with IAEA in implementing safeguards agreements and in expeditiously addressing anomalies, inconsistencies and questions identified by IAEA, with a view to obtaining and maintaining the required conclusions. The Group notes the importance of the full use of all tools at the Agency's disposal for resolution of safeguards issues, including special inspections when deemed necessary.

13. The Vienna Group recalls that article III, paragraph 1 of the Treaty requires each non-nuclear weapon State party to accept safeguards on all source and special fissionable material in all peaceful nuclear activities. The Group recognizes that a State's comprehensive safeguards agreement, on the basis of document INFCIRC/153 (Corrected), embodies the obligation for the State to provide the required declarations to IAEA. IAEA, as the competent authority designated under article III to apply safeguards, verifies the correctness and completeness of a State's declarations, with a view to providing assurances of the non-diversion of nuclear material from declared activities and of the absence of undeclared nuclear material and activities.

14. The Group fully endorses the measures contained in the Model Additional Protocol, noting that the implementation of an additional protocol provides increased confidence about a State's compliance with article II of the Treaty. In this regard, the Group recognizes the additional protocol as an integral part of the IAEA safeguards system and affirms that a comprehensive safeguards agreement, together

with an additional protocol, represents the best current verification standard pursuant to article III, paragraph 1 of the Treaty.

15. The Vienna Group notes that 138 States have signed additional protocols, and that such protocols are in force for 115 States. Thus, a majority of States have accepted the verification standard. The Group urges all States parties that have not yet done so to conclude and to bring into force additional protocols as soon as possible and implement them provisionally pending their entry into force.

16. The Group recognizes the need for IAEA to further facilitate and assist States parties in the conclusion and entry into force of safeguards agreements and additional protocols. In this regard, the Group welcomes the efforts of the Agency's secretariat and a number of Member States of IAEA to implement a plan of action to encourage wider adherence to the safeguards system, including the promotion of universal adherence to the additional protocol, and the organization of regional seminars.

17. The Vienna Group notes the conclusion reached in June 2005 by the Board of Governors of IAEA that the small quantities protocol constituted a weakness in the safeguards system and the subsequent decision, in 2006, to modify the standard small quantities protocol text and change the eligibility for a small quantities protocol. The Group calls on all States subject to a small quantities protocol, that have not already done so, to take the steps necessary to adopt the revised text without delay. The Group urges States subject to a small quantities protocol that are planning to acquire nuclear facilities or to otherwise exceed the criteria of the revised text to renounce their small quantities protocols and to resume full application of comprehensive safeguards agreement provisions without delay. The Group further urges all States subject to a small quantities protocol to bring into force an additional protocol in order to provide maximum transparency.

18. The Group recognizes the importance of an effective Regional and/or State System of Accounting for and Control of Nuclear Material as required under article 7 of document INFCIRC/153 (Corrected), of a comprehensive safeguards agreement, to the effective and efficient implementation of safeguards. The Group urges all States parties to ensure that their respective State and/or regional system cooperates fully with the secretariat and requests the secretariat to continue to assist States subject to small quantities protocols, including non-members of the Agency, through available resources, in the establishment and maintenance of an effective State System of Accounting for and Control of Nuclear Material.

19. The Vienna Group welcomes the important work being undertaken by IAEA in the conceptualization and the development of State-level approaches to safeguards implementation and evaluation. The Group also welcomes the implementation of State-level integrated safeguards approaches by IAEA, which results in a system for verification that is more comprehensive, as well as being more flexible and effective, than other approaches. In this regard, the Group welcomes the efforts of IAEA to move towards a safeguards system that is fully information-driven and that links the State evaluation process and verification activities. Attention needs to be drawn to the fact that States parties must have both a comprehensive safeguards agreement and an additional protocol in place in order for IAEA to be able to make full use of this improved safeguards system. Implementation of the integrated system can only proceed after an additional protocol has entered into force and IAEA has drawn the broad safeguards conclusion.

20. The Vienna Group notes that in order to draw well-founded safeguards conclusions, IAEA needs to receive early design information, in accordance with the decision taken by the Board of Governors of IAEA, in 1992 (GOV/2554/Attachment2/Rev.2), to determine whenever appropriate the status of any nuclear facilities, and to verify, on an ongoing basis, that all nuclear material in non-nuclear-weapon States is placed under safeguards. The Group stresses the need for all non-nuclear-weapon States parties to provide this information to the Agency on a timely basis.

21. The Group encourages States to undertake early consultations with the Agency at the appropriate stage of the design process to ensure that safeguards-relevant aspects for new nuclear facilities are taken into consideration in order to facilitate future safeguards implementation, from their initial planning stage through design, construction, operation and decommissioning.

22. The Vienna Group supports the recommendations of the 1995 and 2010 Review Conferences that IAEA safeguards should be assessed and evaluated regularly. Decisions adopted by IAEA policy bodies aimed at further strengthening the effectiveness and improving the efficiency of IAEA safeguards should be supported and implemented.

Annex

Non-compliance challenges

1. The Vienna Group underlines that the nuclear weapons programmes of the Democratic People's Republic of Korea remain a serious challenge to the international nuclear non-proliferation regime, as well as to peace and stability in the Korean Peninsula and beyond, and notes resolution GC(55)/RES/13 of the General Conference of the International Atomic Energy Agency, highlighting serious concerns related to implementation of IAEA safeguards in the Democratic People's Republic of Korea.
2. The Group strongly supports this resolution, which, inter alia:
 - Strongly urges the Democratic People's Republic of Korea not to conduct any further nuclear tests, to fully comply with all its obligations under Security Council resolutions 1718 (2006) and 1874 (2009) and other relevant resolutions, and to fulfil its commitments under the Joint Statement of the Fourth Round of the Six-Party Talks, of 19 September 2005, including abandoning all its nuclear weapons and existing nuclear programmes and immediately ceasing all related activities.
 - Calls upon the Democratic People's Republic of Korea to come into full compliance with the Non-Proliferation Treaty and to cooperate promptly with the Agency in the full and effective implementation of IAEA comprehensive safeguards, including all necessary safeguards activities provided for in the Safeguards Agreement, which the Agency has not been able to conduct since 1994, and to resolve any outstanding issues that may have arisen due to the long absence of Agency safeguards and the lack of Agency access since April 2009.
 - Deplores the actions of the Democratic People's Republic of Korea to cease all cooperation with the Agency, strongly endorses the actions taken by the Board of Governors, commends the impartial efforts of the Director General and the secretariat to apply comprehensive safeguards in the Democratic People's Republic of Korea, and encourages the secretariat to maintain its readiness to play an essential role in verifying the nuclear programme of the Democratic People's Republic of Korea, including the capability to re-establish implementation of safeguards-related activities in the Democratic People's Republic of Korea.
3. The Vienna Group welcomes the recent announcement that the Democratic People's Republic of Korea has agreed to implement a moratorium on nuclear tests and nuclear activities at Yongbyon, and to allow IAEA inspectors to return to verify and monitor these activities. The Group urges the Democratic People's Republic of Korea to actively cooperate with IAEA to allow for full implementation of access, monitoring and verification under this agreement at the earliest opportunity.
4. The Group takes note of concerns regarding the failure of the Islamic Republic of Iran to establish confidence in the peaceful nature of its nuclear activities and recalls the assertion by the Director General of IAEA that unless and until the Islamic Republic of Iran provides the necessary cooperation with the Agency, the Agency will not be in a position to provide credible assurances about the absence of

undeclared nuclear material and activities in Iran and therefore to conclude that all material in the Islamic Republic of Iran is for peaceful activities.

5. Given the past failures of the Islamic Republic of Iran to declare fully its nuclear activities, and the 2005 finding of the Board of Governors related to non-compliance by the Islamic Republic of Iran with its obligation, the Vienna Group affirms that the establishment of confidence in the Islamic Republic of Iran's nuclear programme requires not only assurances of the non-diversion of declared nuclear material, but equally importantly, of the absence of undeclared nuclear material and activities.

6. The Vienna Group endorses the elements outlined in all relevant IAEA resolutions and calls on the Islamic Republic of Iran to fully implement its NPT safeguards agreement, including its modified Code 3.1 obligations as they were agreed between the Islamic Republic of Iran and the Agency, and bring into force and fully implement its Additional Protocol and all other transparency and access measures requested by the Director General of IAEA in order to resolve outstanding substantive issues. The Group urges the Islamic Republic of Iran to extend full and prompt cooperation to IAEA.

7. The Group further expresses serious concern at the continuing uranium enrichment activities of the Islamic Republic of Iran, in defiance of IAEA Board resolutions and Security Council resolutions.

8. The Vienna Group recalls with concern the finding by the Board of Governors of IAEA (resolution GOV/2011/36 of June 2011) that, based on the report of the Director General, the undeclared construction by the Syrian Arab Republic of a nuclear reactor at Dair Alzour and failure to provide design information for the facility in accordance with Code 3.1 of Syria's Subsidiary Arrangements are a breach of articles 41 and 42 of the Syrian Arab Republic's NPT Safeguards Agreement, and constitute non-compliance with its obligations under its Safeguards Agreement with the Agency in the context of article XII.C of the Agency's statute.

9. The Group fully supports calls upon the Syrian Arab Republic to remedy urgently its non-compliance with its Safeguards Agreement and provide access and information to IAEA without delay, in order to resolve all outstanding questions so that the Agency can provide the necessary assurances as to the exclusively peaceful nature of the Syrian Arab Republic's nuclear programme.

10. The Vienna Group further calls upon the Syrian Arab Republic to sign and promptly bring into force and implement in full the Additional Protocol and, pending that, to act in accordance with the Additional Protocol so that the Director General can provide the necessary assurances regarding both the correctness and completeness of the Syrian Arab Republic's declarations pursuant to its safeguards agreement.