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

4 May 2009

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**Third session**

New York, 4-15 May 2009

**Article III and preambular paragraphs 4 and 5,  
especially in their relationship to article IV and  
preambular paragraphs 6 and 7 (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 recommendations**

The Vienna Group of Ten proposes that the Preparatory Committee agree on the following draft recommendations to the Review Conference:

That the Review Conference:

1. *Underline* 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;
2. *Call* on all States that have not yet done so to adhere to the Convention on the Physical Protection of Nuclear Material;
3. *Urge* all States parties to the Convention on the Physical Protection of Nuclear Material to ratify the July 2005 amendment to the Convention as soon as possible, and encourage them to act in accordance with the object and purpose of the amendment until such time as it enters into force.



## **Working paper: physical protection and illicit trafficking**

1. The Vienna Group of Ten notes that article III of the Treaty is designed to detect and prevent the diversion of nuclear material, equipment and technology. This relates not only to diversion at the State level, but also to 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 the International Atomic Energy Agency (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 to facilitate 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 to meet appropriate security standards and calls on States to take full advantage of the Agency's 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) to harmonize it with the 8 July 2005 amendment to the Convention on the Physical Protection of Nuclear Material and 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 the Security Council in resolution 1373 (2001) called 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 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. The Group welcomes the results of the open-ended meeting of technical and legal experts for the “Sharing of information as to States’ implementation of the Code of Conduct on the Safety and Security of Radioactive Sources”, held by IAEA at its headquarters in Vienna from 25 to 29 June 2007, and looks forward to further such meetings being held on a regular basis.

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. In this connection, the Group takes note of the international symposium on the minimization of the use of highly enriched uranium in the civilian nuclear sector hosted by the Government of Norway in cooperation with IAEA in Oslo in June 2006. 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’s reports to the Board of Governors. The Group fully endorses the Director General’s call 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 the efforts of IAEA 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 the 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. In this regard, the Group welcomes the International Symposium on Nuclear Security held by IAEA in Vienna from 30 March to 3 April 2009.

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 parties 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 Security Council resolution 1540 (2004) 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) of 17 April 2006 and 1810 (2008) of 25 April 2008, which emphasize the importance of all States fully implementing resolution 1540 (2004).

12. The Vienna Group welcomes the continued contributions made by the G-8 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.

13. The Vienna Group welcomes the establishment of the Global Threat Reduction Initiative and welcomes the outcomes of its Partners Conference held in Vienna in September 2004 with the purpose of building international support for national programmes on nuclear and radiological threat reduction.

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, for example 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 the participation of IAEA 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.