

**Second Meeting of the Preparatory Committee
of the NPT Review Conference 2005**

Cluster 2

***Special Time allocated to the themes of
"Safety and Security of peaceful nuclear programs"***

Statement by

Fritz W. SCHMIDT

Austrian Delegation

Geneva, 7 May 2003

Mr. Chairman,

The Austrian delegation welcomes the opportunity offered by this exercise of a special time session on safety and security to address a few topics which we hope are able to contribute to clarifying questions and thereby promoting consensus building for the next Review Conference. We understand this exercise i.a. as to facilitate your task to produce a factual summary by the end of the week.

Mr Chairman,

This statement will deal with three themes: safeguards, physical protection and in a wider context export controls.

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(Export Controls)

Mr. Chairman.

There is now doubt that export controls play an important role in nuclear non-proliferation. Nuclear cooperation involving the transfer of technology in which form ever can only take place, if the exporting state is convinced that the security conditions in the recipient country provide sufficient assurance that the nuclear items supplied would not be diverted from peaceful uses to non-peaceful purposes.

Mr. Chairman,

It is an undisputable fact that the obligations stemming from the export control provisions of Art. III.2 are the responsibility of each individual Party. Therefore it is necessary for each State party to have an appropriate set of rules and regulations for national export controls in place in order to meet its responsibility. This was particularly pointed out by NPT Conference 2000 in its Final Declaration.

At the same time we have to recognise the fact, that countries not regularly involved in nuclear transfers may not have the practical experience to build-up their own the required legislation. We therefore believe that it is within the responsibility of those States which have experience to assist other parties in meeting their legislative needs.

(Zangger Committee)

In this regard we note that the Zangger Committee (ZAC), known as an informal, technical group of countries regularly involved in nuclear trade, which has been often referred to as the "faithful interpreter" of the export control provisions of the NPT, has been playing an important role in setting up a set of guidelines and a list of nuclear items that serve as guidance for the interpretation of Art. III.2. These Understandings, as published in the IAEA document series INFCIRC 209, have over the years gained wide acceptance. The work of the Committee was well recognised in almost all NPT Review Conferences and States parties were urged to base their export control policies on these interpretations.

As NPT Conferences emphasized the importance for cooperation and assistance in setting up national rules and regulations my delegation is pleased to note that the ZAC has launched a programme for „outreach activities“ with interested countries. This outreach program is aimed at creating an on-going dialogue of equal partners

based on the understanding of a common responsibility. It is not just aimed at telling what the Committee does, but also learning what our partners in the dialogue think about the needs to fulfil their responsibility under Art. III.2. This outreach activity could also include the necessary assistance for setting up and improving national rules and regulations.

(Review of the ZAC Understandings)

Mr. Chairman,

As previous Conferences demanded that the Zangger Committee review its interpretation from time to time in order to bring its Understandings in line with technological and other developments, Austria takes note of the on-going work in the ZAC for reviewing the Understandings to take account of developments in the NPT review process and hopes that the results of this work, an adapted set of the Understandings, will be presented in the report to the NPT Conference 2005.

But there are still some open questions where the Committee will have to seek guidance from the NPT Conference 2005 before adopting revised Understandings:

1. In safeguards it was established by the NPT sovereign in 1995 that Comprehensive Safeguards are a condition of supply. As the Add. Prot. has now become part of the safeguards system we need a clarification that this new standard has to be applied in export controls.

2. How should the Committee's Understandings deal with physical protection in export controls?

NPT parties are required to only allow exports of nuclear goods, if there is a sufficient level of security in place that will hinder any diversion from peaceful uses to non-peaceful purposes. Physical protection, i.p. on national level, plays an important role in meeting these security levels. We therefore expect that the NPT Conference 2005 will give guidance in this regard and confirm that physical protection as a condition of supply should be looked at before an export licence is issued. The IAEA recommendations as contained in INFCIRC 225 could be the reference for the levels of physical protection. We hope that some time in the future, with the development in the revision of the Physical Protection Convention, adherence to this convention could become the norm for NPT export controls.

Mr. Chairman,

These are only some of the questions the Preparatory Committee for the 2005 NPT Conference will have to prepare. It is up to us, the members to cooperate in good faith and with the necessary spirit of compromise. I would like to conclude this statement with the assurance to all Parties that Austria will do its utmost to help bring this process to a good result.