Treaty on the Non-Proliferation of Nuclear Weapons

Second Session of the Preparatory Committee

Cluster II issues

Statement by Caroline Millar
Ambassador for Disarmament
Permanent Representative to the United Nations

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(Check against delivery)
Mr Chairman

All NPT parties have a clear and common interest in strong support for the IAEA safeguards system, and in ensuring its continued effectiveness and responsiveness to current challenges.

NPT safeguards applied by the IAEA provide the practical means for states to demonstrate their commitment to use nuclear energy exclusively for peaceful purposes. Safeguards are the most important means by which states can have confidence in the peaceful nature of nuclear activities by other states. The assurance so provided is a fundamental element of global security, and therefore an integral part of the international regime for non-proliferation.

The safeguards system delivers much more than its immediate security benefits. The assurance that states' nuclear activities are peaceful is an essential foundation for trade and cooperation in the peaceful uses of nuclear energy. And effective non-proliferation assurances, as provided by the safeguards system, are a crucial factor in building the environment of confidence necessary for continuing progress on nuclear disarmament.

Mr Chairman

The non-proliferation regime continues to face major challenges. These challenges need to be met squarely by upholding the Treaty's integrity and reinforcing the authority of the IAEA and its safeguards system.

The first set of challenges comes from those states that have violated their NPT obligations.

In February 2006, the IAEA Board of Governors recalled Iran's many failures and breaches of its NPT safeguards agreement, as reported by the Director General, and the absence of confidence that Iran's nuclear program was exclusively for peaceful purposes. This absence of confidence resulted from Iran's nearly 20 year concealment of its nuclear activities, the proliferation-sensitive nature of those activities and other issues arising from the Agency's verification of declarations made by Iran since 2002, including possible military dimensions to Iran's nuclear program. The Board requested the Director General to report to the Security Council the steps Iran needed to take in order to resolve all outstanding questions and build confidence in the peaceful nature of its nuclear program. The referral of Iran's non-compliance to the Security Council was in clear conformity with Article XII.C of the IAEA Statute. Acting under Chapter VII of the UN Charter, the Security Council has now made the Board's requirements mandatory.

Two years later, Australia remains deeply concerned that Iran continues to act in violation of its legally binding Security Council obligations to suspend its proliferation-sensitive activities—in particular, by failing to suspend its enrichment activities and the construction of a heavy water reactor. Moreover, Iran has escalated its defiance by pursuing more advanced centrifuge technology. Iran's continuing development of its enrichment capability, for which there is no apparent civilian purpose, further diminishes confidence in its nuclear intentions.

While Australia acknowledges that the IAEA has made some progress in clarifying the technical scope of some of Iran's past undeclared activities, important outstanding questions remain regarding the nature and purpose of Iran's past and present nuclear program. Of particular concern is Iran's lack of full cooperation with the Agency in regard to information from a number of sources which points to past military involvement in Iran's nuclear program and to the manufacture of nuclear explosive devices and warheads. These serious matters of concern have not yet been addressed. And, as the Director General has said, their resolution is critical to the Agency's assessment of a possible military dimension to Iran's nuclear program.
We call on Iran to engage fully and openly with the IAEA in a detailed examination of these issues and to implement the Additional Protocol without delay. Unless Iran takes these steps, the Agency will not be in a position to provide credible assurances about the peaceful nature of Iran’s nuclear program. Australia concurs with the Director-General that this is especially important in light of the many years of undeclared activities in Iran and the resulting absence of confidence. NPT Parties should support the IAEA in its efforts to pursue these serious outstanding issues and underline to Iran its obligation to comply with Security Council resolutions and the IAEA Board’s requirements.

North Korea’s nuclear weapons program remains a serious challenge to the international nuclear non-proliferation regime as well as to peace and stability in the Korean Peninsula. Australia deeply regrets North Korea’s announcement of withdrawal from the NPT in January 2003. We recall the IAEA Board of Governors’ decision of 12 February 2003 to report to the Security Council the DPRK’s non-compliance with its obligations under its safeguards agreement and the Agency’s inability to verify non-diversion of nuclear material subject to safeguards. We condemn the nuclear test carried out by the DPRK on 9 October 2006 and call upon the DPRK to come into compliance with the NPT and IAEA safeguards. The North Korean case highlights the problem of states misusing the NPT by acquiring nuclear technology and materials ostensibly for peaceful purposes and then walking away from the treaty. We will speak further on this issue in our discussion of Article X later in the meeting.

Against that background, Australia strongly supports the Six-Party Talks. We welcome the progress made over the past twelve months, including the shutdown and substantial disablement of the Yongbyon nuclear facilities. But we are disappointed that the DPRK has still not met its commitment under the 3 October agreement to provide a complete and correct declaration of its nuclear programs by 31 December 2007 and we urge the DPRK to come forward with such a declaration without further delay.

We note the United States has provided information pointing to North Korean assistance to Syria in building a nuclear reactor which was not declared to the IAEA. This information is very disturbing. Syria has an obligation under its safeguards agreement with the IAEA to report the planning and construction of any nuclear facilities to the Agency. We urge Syria to cooperate with the IAEA in its investigation of this information.

Mr Chairman

Cases of non-compliance highlight another set of challenges for the non-proliferation regime— that is, the need to continue to strengthen the safeguards system to provide the IAEA with effective means of verifying the absence of undeclared nuclear activity.

Revelations of undeclared nuclear programs in states with Comprehensive Safeguards Agreements have underlined that such agreements alone are insufficient for the Agency to provide credible assurances regarding the absence of undeclared nuclear material or activities. This shortcoming prompted the development of the strengthened safeguards system, the key element of which is the Additional Protocol.

The Additional Protocol serves all states’ interests by enhancing the IAEA’s ability to provide assurances about the peaceful nature of nuclear a state’s nuclear activities—and more particularly to provide credible assurances that there are no covert nuclear activities. That assurance contributes to the climate of confidence conducive to progress on non-proliferation, disarmament and cooperation on peaceful uses of nuclear energy.

In 1997, Australia became the first country to conclude an Additional Protocol with the IAEA. We note that 116 states have now signed Additional Protocols, and such protocols are in force in
85 states. A comprehensive safeguards agreement together with an Additional Protocol now represents the verification standard required under Article III.1 of the NPT. NPT parties should declare this standard unequivocally. It is of concern that several non-nuclear-weapon states with significant nuclear activities have yet to conclude an Additional Protocol. We again urge states yet to sign or ratify an Additional Protocol to do so promptly. Signing an Additional Protocol should be seen as a way of enhancing the confidence of all other NPT Parties in a state's compliance with Article II: not as a bargaining chip or concession which is conditional on the behaviour of another State.

The IAEA Board of Governors concluded that the previously existing Small Quantities Protocol (SQP) constituted a weakness in the safeguards system, and decided to modify the standard SQP text and change the eligibility for an SQP. Australia calls on all SQP states that have not already done so to adopt the revised SQP without delay. We urge SQP States that are planning to acquire nuclear facilities or to otherwise exceed the criteria of the revised SQP to renounce their SQPs and to resume full application of Comprehensive Safeguards Agreement provisions without delay, and further urge all States with SQPs to bring into force an Additional Protocol in order to provide maximum transparency.

In order to draw well-founded safeguards conclusions, the IAEA needs to receive early design information 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. Australia urges all non-nuclear-weapon states to provide this information to the IAEA on a timely basis in accordance with the IAEA Board of Governors’ 1992 decision.

Mr Chairman

Australia’s uranium export policy recognises the strategic significance which distinguishes uranium from other energy commodities. We export uranium only to NPT parties with which we have bilateral safeguards agreements setting strict conditions for using Australian material. Australia’s safeguards agreements form part of the global system of interlocking and mutually reinforcing mechanisms that comprise the nuclear non-proliferation regime. Our policies have ensured that a very significant proportion of nuclear material in international use is covered by the strictest non-proliferation conditions. Australia has made the Additional Protocol a condition of supply of Australian uranium to non-nuclear-weapon states: the first country to do so. We urge all nuclear suppliers to apply a similar requirement.

Mr Chairman

Australia has the honour to convene a group of NPT supporters known as the Vienna Group of Ten (formerly known as the G-10). The Group has contributed to the NPT review process since 1980. The Group’s participants – Australia, Austria, Canada, Denmark, Hungary, Ireland, the Netherlands, New Zealand, Norway and Sweden – share a common view about the NPT’s vital security and other benefits to all States, and the value of constructive progress in the implementation of Articles III and IV in particular.

The G-10 meets informally prior to NPT meetings to develop papers on the so-called Vienna issues, with a view to facilitating discussion of Articles III and IV. To this end, the Group has tabled working papers on Cluster II and Cluster III issues, and also on the CTBT. In our view, the papers offer a thoughtful and balanced perspective on key Cluster II and III issues, including compliance and verification. I commend these papers to other delegations.