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**INTERVENCIÓN
EN NOMBRE DE LA UNIÓN EUROPEA
DEL**

**EXCMO. SR. D. MIGUEL AGUIRRE DE CÁRCER
EMBAJADOR EN MISIÓN ESPECIAL PARA DESARME**

**Conferencia de Examen de las Partes de 2010 del Tratado de No
Proliferación de las Armas Nucleares (TNP)**

Comité Principal II

Nueva York, 10 de mayo de 2010

(Cotejar con intervención definitiva)

**STATEMENT
ON BEHALF OF THE EUROPEAN UNION
BY**

**H.E. MIGUEL AGUIRRE DE CÁRCER
SPECIAL AMBASSADOR FOR DISARMAMENT**

**2010 Review Conference of the Parties to the Treaty on the
Non-Proliferation of Nuclear Weapons (NPT)**

**Main Committee II
New York, 10 May 2010**

(Check against delivery)

Mr. Chairman,

I have the honour to speak on behalf of the European Union.

The Candidate Countries Croatia* and former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina and Montenegro, together with the EFTA Countries Iceland and Liechtenstein, members of the European Economic Area, as well as Ukraine, align themselves with this statement.

Mr. Chairman,

1. I would like, first of all, to convey to you our firm determination to assist you in your endeavours as Chairman of this Committee with a view to contributing to a substantive and balanced outcome of the Review Conference, including the adoption of a set of concrete, effective, pragmatic and consensual measures for stepping up international efforts against proliferation.
2. The NPT is a unique and irreplaceable multilateral instrument for maintaining and reinforcing international peace, security and stability, in that it establishes a legal framework for preventing proliferation of nuclear weapons and for developing further a verification system guaranteeing that non nuclear-weapons States use nuclear energy solely for peaceful purposes, and that it represents the essential foundation for the pursuit of nuclear disarmament in accordance with Article VI of the Treaty, and an important element in the further development of nuclear energy applications for peaceful purposes. Strengthening the non-proliferation regime should be a key priority for all States in order to prevent the proliferation of weapons of mass destruction and their means of delivery, which undermines the security of all nations. Non proliferation, disarmament and arms control are mutually reinforcing, and together with confidence, transparency and reciprocity are vital aspects of collective security. If we want to preserve the central role of the NPT in promoting security for all, we must reaffirm that all States must take concerted and resolute action to ensure strict compliance with all non-proliferation obligations, including safeguards obligations, and respond quickly and effectively to non-compliance.
3. In the Decision recently adopted by the EU Council of Ministers, we have identified the following priority issues that we consider should be addressed by States parties at this Review Conference, within this Main Committee: (i) strengthening the effectiveness and comprehensiveness of the non-proliferation regime through making the conclusion of a Comprehensive Safeguards Agreement together with the Additional

* Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

Protocol the verification standard, under Article III of the NPT; (ii) strengthening the Treaty through a common understanding of States parties on how to respond effectively to a State's withdrawal from the Treaty; and, (iii) upholding the Treaty, bearing in mind current major proliferation challenges, in particular in the People's Democratic Republic of Korea and in the Islamic Republic of Iran, through a common understanding of States parties on how to respond resolutely and effectively to cases of non-compliance.

4. We reaffirm the concrete and realistic measures which the EU presented to the 2009 NPT PrepCom, as part of its forward-looking proposals on all three pillars of the NPT which could be part of an action plan to be adopted by the Review Conference. In our view, they would significantly improve our collective capacity to tackle proliferation and strengthen the non-proliferation regime. In addition to the points just mentioned, these measures are:
 - a) Resolute action in response to proliferation crises, in particular in the Islamic Republic of Iran and the Democratic People's Republic of Korea;
 - b) Determination of the consequences of a State's non-compliance with its non-proliferation obligations under the Treaty, in particular with its safeguards agreement, and of withdrawal from the Treaty, including suspension of nuclear cooperation and transfers;
 - c) Promotion of the universalisation of the NPT;
 - d) Universalisation and strengthening of the IAEA safeguards system, in particular through the universal adoption of the Additional Protocol, including technical updates of its Annex II, and through reinforcing the State and regional systems of accountancy for and control of nuclear materials as well as the 2005 revised Small Quantities Protocol, where applicable;
 - e) Improvement of nuclear security and of physical protection of nuclear materials, in accordance with the amended Convention on the Physical Protection of Nuclear Material (CPPNM), and the minimisation, wherever technically and economically feasible, of the use of highly enriched uranium (HEU) in peaceful nuclear activities, both with a view to preventing illicit trafficking and nuclear terrorism;
 - f) Strengthening of export controls including recognition of the Zangger Committee Memoranda A and B as the minimal NPT export controls for conducting nuclear trade as well as border controls of nuclear material, equipment and technology, in particular of sensitive nuclear material, equipment and technology with proliferation potential, and development of technical cooperation, assistance activities and information-sharing to this end;
 - g) Cooperation to further develop multilateral schemes as viable and credible alternatives to the development of exclusively national enrichment and reprocessing capabilities;

- h) Adoption of national criminal sanctions against acts of proliferation, and development of assistance to countries and to public and private actors, with a view to raise their awareness in this area;
- i) Resolute international and national efforts to combat proliferation financing;
- j) Adoption of measures to prevent intangible transfers of knowledge and know-how, including mechanisms of cooperation in terms of consular vigilance;
- k) Development of proliferation-resistant and safeguards-friendly technologies.

Mr Chairman,

5. Strengthening the non-proliferation regime should be a key priority for all States in order to prevent the proliferation of weapons of mass destruction and their means of delivery, which undermines the security of all nations. Rules must be observed and States must be liable for their acts of non-compliance.
6. The EU remains gravely concerned by the major proliferation challenges posed by the Democratic People's Republic of Korea (DPRK) and the Islamic Republic of Iran, who have both continued to violate their international obligations in clear defiance of the United Nations and the IAEA, despite repeated and ambitious offers by the international community to discuss these issues, pursue comprehensive and fair negotiations and work for a diplomatic solution. All NPT States Parties must ensure strict compliance with non-proliferation obligations and take resolute action, including the enforcement of UN Security Council Resolutions, in response to the challenges posed by these countries to the non-proliferation regime and to regional and international security.
7. The proliferation risks presented in particular by Iran continue to be a matter of grave concern to us and to the international community. The EU deeply regrets Iran's refusal to start negotiations on its nuclear program despite the many dialogue and cooperation offers from the international community and in particular from China, France, Germany, Russia, the United Kingdom, the United States and the EU High Representative for Foreign Affairs and Security Policy. The EU reaffirms its full and unequivocal support for efforts to find a negotiated long-term solution to the issue within the framework of UNSCR 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008) and for the dual-track approach.
8. The EU recognizes that Iran, like any other States party to the NPT, has the inalienable right to develop and use nuclear energy for peaceful purposes, but the international community has to be sure that Iran complies with its obligations under the NPT and its safeguards agreement. The Director General of the IAEA has reported on many

occasions that Iran is in breach of its safeguards obligations, that it does not comply with the repeated demands of the IAEA Board of Governors and the UN Security Council by pursuing its enrichment activities, that it fails to cooperate fully with the IAEA, and that it needs in particular to clarify outstanding issues which give rise to concerns about possible military dimensions to Iran's nuclear programme.

9. If Iran were to acquire a military nuclear capability, this would constitute an unacceptable threat to regional and international security. Moreover, a failure to find a diplomatic solution to the Iranian nuclear issue could jeopardize the key objectives we are pursuing in the NPT framework: non-proliferation, disarmament, peaceful uses of nuclear energy, and implementation of the 1995 resolution on the Middle East. Iran's persistent failure to meet its international obligations under the relevant resolutions of the United Nations Security Council and the IAEA thus warrants a clear and firm response from the international community.
10. The EU calls upon Iran to engage seriously with the international community in a spirit of mutual respect, in order to find a negotiated solution which will address Iran's interests, including the development of a civil nuclear power generation programme, as well as the international community's concerns. Iran must restore confidence in an exclusively peaceful nature of its nuclear activities. Should it fail to do so, it will only isolate itself further.
11. Past actions taken by the DPRK, namely ceasing all cooperation with the IAEA, conducting tests of nuclear explosive devices and other provocative actions, give cause to grave concern. They undermine the stability in the Korean peninsula and in the region and represent a clear threat to international peace and security. The DPRK must comply, unconditionally, unequivocally and without delay, with all its international obligations under the relevant resolutions of the United Nations Security Council and the IAEA and return to the negotiations with a view to achieving the verifiable denuclearization of the Korean Peninsula.
12. DPRK's defiance has warranted a strong international response. For this reason, the EU supported the adoption by consensus of Resolution 1874 (2009) of the United Nations Security Council that condemned the nuclear test conducted by DPRK in May 2009 and reaffirmed that the DPRK shall suspend all activities related to its ballistic missile programme and established a strengthened sanctions regime. The DPRK case must unite us in constructing an even more robust non-proliferation regime.
13. We strongly believe that lessons learned from proliferation crises should be reflected in the outcome documents of this 2010 Review Conference. Mindful of the major proliferation challenges we referred to and of the necessity to preserve the integrity of the Treaty, it is crucial that we consider and agree upon appropriate measures to effectively deal with the consequences of State's non-compliance with its non-proliferation

obligations, including safeguards obligations, under the NPT, including strengthening the role of the UN Security Council, as final arbiter, in order that it can take appropriate action. We also call for nuclear cooperation to be suspended where the IAEA is not able to provide adequate assurances that a State's nuclear programme is designed exclusively for peaceful purposes, until such time as the Agency is able to provide such assurances.

14. This Review Conference should address the potential implications for international peace and security of withdrawal from the NPT and should arrive at a common understanding on how to respond to a notice of withdrawal and its consequences with purpose and urgency, including arrangements for maintaining adequate IAEA safeguards on all nuclear materials, equipment, technologies and facilities developed for peaceful purposes. Furthermore, we should request the Security Council to act promptly in such cases, which could constitute a threat to international peace and security.

Mr. Chairman,

15. The IAEA has an indispensable global role in detecting the proliferation and diversion of nuclear material and in this way also countering new threats of nuclear and radiological terrorism. The international safeguards system of the IAEA, including the Additional Protocol, is essential for the effective implementation of NPT non-proliferation obligations as its prime objective is to detect and deter the diversion of nuclear materials for use in nuclear weapons. The EU believes that this Review Conference should recognize the Comprehensive Safeguards Agreements together with the Additional Protocol as the current IAEA verification standard, under Article III of the NPT, and support its universalization. The Director General of the IAEA has recently stated that the implementation of the Additional Protocol, already signed by 131 States and ratified by 98 States, is necessary to enable the IAEA to provide credible assurance not only about the non-diversion of declared nuclear material, but also about the absence of undeclared nuclear material and activities.
16. IAEA safeguards promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security and to build the confidence which is essential for enhanced nuclear cooperation among States.
17. The European Union actively supports the Agency's safeguards system and is pleased to announce its intention to contribute to the modernisation of its Safeguards Analytical Laboratory.
18. Furthermore, if it is to be effective, our action against proliferation must also be based on resolute operational cooperation to prevent and disrupt illicit transfers, to control exports even more effectively, to counter illegal networks of diversion and trafficking, to secure nuclear and radioactive

materials and to reduce the risk of a link-up between terrorism and weapons of mass destruction, to combat proliferation financing.

19. In this respect, the EU is committed to strong nationally and internationally coordinated export controls, including recognition of the Zangger Committee Memoranda A and B as minimal NPT nuclear export controls. We also look forward to finalizing at an early date the strengthening of the Nuclear Suppliers Group guidelines, in particular on strengthened export controls on enrichment and reprocessing technologies, and to work within the NSG towards making the adherence to the Additional Protocol a condition for nuclear supply.
20. The illicit trade in highly sensitive nuclear materials, equipment and technology is a matter of serious concern for all. In view of the enhanced proliferation threat, we consider it necessary for exporting states to assume their responsibilities and take measures to ensure that exports of sensitive materials, equipment and technologies are subject to appropriate surveillance and control.
21. Given the proliferation sensitive nature of enrichment and reprocessing technologies, the export of these technologies should meet the highest non-proliferation, safety and security standards and take into account the relevant characteristics of a civilian nuclear programme.
22. We continue to be deeply concerned about the growing of risk nuclear and radiological terrorism and we are firmly determined to combat this threat. The EU supports all measures, in particular Resolution 1540 of the UN Security Council, designed to prevent terrorists from acquiring weapons of mass destruction or connected materials. We call on all States that have not yet done so, to sign, ratify and implement the International Convention for the Suppression of Acts of Nuclear Terrorism, as important part of the international legal framework to address the threats of nuclear terrorism, and to subscribe to the principles of the Global Initiative to Combat Nuclear Terrorism.
23. We reaffirm our commitment to strengthening nuclear security, particularly in view of the threat posed by nuclear terrorism. By deterring and detecting diversion of nuclear material, the IAEA also makes a critical contribution to ongoing international efforts to counter new threats of nuclear and radiological terrorism. We will continue to support IAEA activities in this field. The EU is the major contributor to the IAEA Nuclear Security Fund and we are in the process of providing additional funding in the very near future. More than 20 million Euros have been spent to upgrade the nuclear security situation in third countries. We call on the States Parties to the Convention on the Physical Protection of Nuclear Material to ratify as soon as possible the Amendment to the Convention, in order to expedite its entry into force. We encourage minimization of the use of highly enriched uranium in peaceful nuclear activities, wherever technically and economically feasible. We welcome the undertakings endorsed at the recent Washington Nuclear Security Summit in support

of national and international efforts to strengthen nuclear security and reduce the threat of nuclear terrorism.

24. The European Union also supports other initiatives and mechanisms intended to tackle proliferation and strengthen the non proliferation regime, including, the development and use of applied research into proliferation resistance; the adoption of national criminal sanctions against acts of proliferation and development of assistance to countries and to public and private actors, with a view to raising their awareness in this area; the adoption of measures to prevent intangible transfers of knowledge and know-how, including mechanisms of cooperation in terms of consular vigilance; and resolute international and national efforts to combat proliferation financing, welcoming the work being conducted within the Financial Action Task Force and encouraging it to continue to work in this regard.

Mr. Chairman,

25. The EU continues to attach great importance to the development of internationally recognized nuclear weapon free zones, established on the basis of arrangements freely arrived at among States of the region concerned, as elaborated in the guidelines adopted by the United Nations Disarmament Commission (UNDC) in 1999. The EU notes the entry into force of the Central Asian Nuclear Weapon-Free Zone Treaty, which came into force in March 2009, and the African Nuclear Weapon Free Zone Treaty, the Pelindaba Treaty, which came into effect in July 2009. We hope that outstanding issues concerning some nuclear weapon free zones can be resolved through consultations, in accordance with the UNDC guidelines, and with the agreement of all parties involved. We stand ready to provide technical cooperation to support the implementation of the Treaty of Pelindaba and to promote further adherence by other African States. We recall that the two nuclear-weapon States which are members of the European Union are parties to the protocols to this Treaty.

26. We will be delivering a specific statement in Subsidiary Body II, on "Regional issues, including with respect to the Middle East and the implementation of the 1995 NPT resolution on the Middle East". However, I would like, at this point, to recall that on numerous occasions, the EU has reiterated its firm commitment to the full implementation of the Resolution on the Middle East adopted at the 1995 NPT Review and Extension Conference. This commitment still stands.

27. The European Union has also worked unfailingly towards universal accession to the NPT by all States of the region, urging States not party to the NPT to become States parties to the NPT as non nuclear weapon States. The EU has also always promoted universality not only of nuclear, but also chemical and biological non proliferation, arms control and disarmament agreements. Furthermore, the EU urges States that are party to the NPT to comply fully with all the provisions of the NPT and

with all relevant UNSC and IAEA Resolutions. We believe that such actions would represent a crucial contribution to an overall improvement of the security situation and confidence in the Middle East region. The EU is convinced that it would be useful to consider and work out practical steps to prepare the ground for a full implementation of the 1995 NPT resolution on the Middle East.

Mr. Chairman,

28. We wish to assure you, Mr. Chairman, and all States parties to the NPT of our determination to engage in serious and pragmatic discussions and negotiations on all issues considered within Main Committee II, in order to contribute to a substantive and balanced outcome of this 2010 NPT Review Conference.

Thank you, Mr. Chairman.