

2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

29 October 2021
English
Original: French

New York, 4–28 January 2022

The right to use nuclear energy for peaceful purposes

Working paper submitted by Algeria

1. The right to use nuclear energy for peaceful purposes is a fundamental pillar of the Treaty on the Non-Proliferation of Nuclear Weapons. Article IV of the Treaty recognizes the right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II. The 1995, 2000 and 2010 Review Conferences all reaffirmed this right.
2. Promoting and expanding the peaceful use of nuclear energy, in conformity with articles I, II and III, is both urgent and important. The use of nuclear energy for peaceful power and non-power purposes is increasingly a prerequisite for meeting global socioeconomic development needs. Nuclear energy is a clean, sustainable, economical and viable resource that can complement or be an alternative to fossil fuels and is a strategic option for diversifying sources of energy production designed to ensure energy security. Other peaceful applications of nuclear energy also contribute to the development of other key sectors such as health, agriculture and water resources.
3. The Review Conference should reaffirm the inalienable right of all States parties to use nuclear energy for peaceful purposes. In that regard, the Review Conference should encourage the International Atomic Energy Agency (IAEA) to continue its efforts to promote peaceful uses of nuclear energy and should urge developed States parties to encourage developing countries to acquire, without hindrance, the scientific knowledge and infrastructure needed for the use of nuclear energy for peaceful power and non-power purposes, as well as nuclear applications to meet their socioeconomic needs.
4. International cooperation in the peaceful use of nuclear technology is essential for facilitating access by developing countries to the equipment, materials and scientific and technological information needed for peaceful use of nuclear energy.
5. In accordance with its statute, IAEA has a central role to play in promoting and developing the peaceful use of nuclear energy and research in this field by fostering scientific and technical exchanges on the peaceful uses and applications necessary for socioeconomic development. The IAEA technical cooperation programme is the appropriate tool for promoting this pillar of the Treaty.



6. The role of IAEA in the area of technical cooperation to promote and develop the peaceful use of nuclear energy and research in this field should be strengthened. To that end, the Conference should urge States parties, particularly the developed countries, to increase IAEA resources and strengthen its technical and financial capacities by endowing the Technical Cooperation Fund with sufficient, reliable and predictable funding so that it can carry out its cooperation activities to promote power and non-power applications. It is in this spirit that Algeria is meeting all its financial obligations to IAEA in full and on time, including its contribution to the Technical Cooperation Fund.

7. The Peaceful Uses Initiative, launched in 2010 by a group of donor countries, represents a valuable contribution to the implementation of IAEA technical cooperation projects that are awaiting funding. The Review Conference should encourage States in a position to do so to continue and to increase their extrabudgetary voluntary contributions, as complementary funding, for technical cooperation activities devoted to peaceful uses of nuclear energy.

8. In addition, every effort must be made to maintain a balance among the three main statutory missions of IAEA – safety and security, safeguards, and peaceful uses – so as to promote the technical cooperation programme in order to respond to the needs of developing countries.

9. The decision to use nuclear energy for peaceful purposes is a sovereign matter for each State party. The Conference should reaffirm this principle, which was agreed upon at the 2000 and 2010 Review Conferences, namely to “respect fully each country’s choices and decisions in the field of peaceful uses of nuclear energy without jeopardizing its policies or international cooperation agreements and arrangements for peaceful uses of nuclear energy and its fuel-cycle policies”.

10. The Treaty is the appropriate and agreed framework for reconciling the inalienable right to use nuclear energy for peaceful purposes and the imperatives of nuclear non-proliferation and nuclear security and safety. Nothing in the Treaty should be interpreted as jeopardizing the exercise of that right, as long as non-proliferation and safety and security norms are respected. Concerns about the proliferation of nuclear weapons and nuclear safety and security, especially in the context of the increased use of nuclear energy for civilian purposes, should not serve as a pretext for limiting the scope of the right to use nuclear energy for peaceful purposes that is enshrined in article IV of the Treaty and the IAEA statute. The spread of nuclear technologies and knowledge for peaceful purposes should not be equated to or confused with the proliferation of nuclear weapons.

11. In this context, export control should not lead to the establishment of a discriminatory and selective regime that would impose restrictions on the transfer of nuclear materials and equipment and technologies to developing countries. Rules and restrictions on technology transfers and nuclear export controls imposed on non-nuclear-weapon States parties, particularly developing countries, with the aim of preventing all proliferation, are likely to make it difficult, if not impossible, for them to acquire nuclear equipment that sometimes falls under the elastic category of “dual-use technology”. Such discriminatory and selective measures completely undermine the inalienable right recognized in article IV to have access to nuclear potential for peaceful purposes without discrimination and in conformity with articles I, II and III. They are contrary to the provisions of paragraph 2 of article IV of the Treaty, in which States undertake to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for peaceful uses.

12. Similarly, initiatives to promote multilateral nuclear fuel arrangements in order to prevent nuclear proliferation could lead to a reinterpretation of the provisions of article IV that would limit the scope of the inalienable right to develop research,

production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II. Such an approach might create a new dichotomy between States that already control and possess the means necessary for the fuel cycle and those that do not, mostly developing countries.

13. Assuring a supply of nuclear fuel continues to be a major obstacle faced by developing countries in their quest for access to the multiple benefits offered by power and non-power nuclear applications.

14. Non-nuclear-weapon countries cannot legitimately accept unilateral interpretations or attempts to limit their right to acquire nuclear technologies for peaceful purposes without discrimination. The best way to strike the necessary balance between the right to peaceful use and the need for nuclear security and safety would be to adopt common, universal, transparent, objective and politically neutral standards.

15. IAEA and its safeguards regime continue to be the legal framework for ensuring the fulfilment of the non-proliferation obligations incumbent on non-nuclear-weapon States under the safeguards agreements provided for in article III, paragraph 1. Moreover, there are grounds, where appropriate, for designing IAEA mechanisms, agreed upon by all, to promote the transparency of nuclear programmes.

16. IAEA efforts to improve the safeguards regime and make it more effective and efficient, including through its conceptualization and implementation at the State level, should in no way limit or call into question the inalienable right of States parties to use nuclear energy for peaceful purposes.

17. In that connection, it should be emphasized that, in accordance with paragraph 3 of article III, the safeguards for verifying the fulfilment of obligations assumed by non-nuclear-weapon States should comply with article IV. They should not hamper the economic or technological development of States parties. Nor should they obstruct international cooperation in the field of peaceful nuclear activities, including international exchanges of nuclear material and equipment for peaceful purposes.

18. A mechanism capable of ensuring compliance with the necessary safety and security standards will be vital to the peaceful use of nuclear energy and the establishment of facilities for that purpose.

19. In that context, countries that have initiated, or are planning to initiate, civilian nuclear activities should have sufficient human, material and technical resources, supported by an appropriate legal framework, for handling issues related to the safety and security of civilian nuclear materials and facilities and for preventing terrorist groups from gaining access to such materials.

20. To that end, the Conference should encourage States parties to sign up to the IAEA instruments on the safety and security of nuclear facilities and materials and of radioactive materials, radiation protection and the safety of radioactive waste.

21. Having ratified the 2005 amendment to the Convention on the Physical Protection of Nuclear Material, Algeria encourages States parties that have not yet done so to adopt this amendment in order to enable its rapid entry into force.

22. States parties should also have in place early notification and assistance mechanisms in the event of a nuclear accident or radiological emergency. The Conference should therefore encourage States to become parties to the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, as well as to instruments on liability in the event of a nuclear accident.

23. The Conference should support IAEA activities in the area of safety and security and encourage international cooperation, particularly to strengthen national infrastructure for the regulation and control of radioactive sources and safety and security standards.

24. Algeria works in all relevant international forums to promote effective international cooperation on combating terrorism in all its forms, including nuclear terrorism. Thus, while continuing to uphold the principle that the primary responsibility for nuclear security rests with individual States, it is fully aware of the importance of international cooperation, through IAEA, to address the recurrent threats posed by the risk of nuclear materials and other radioactive materials being diverted for criminal purposes. In that spirit, Algeria has contributed actively to the work of several summits on nuclear security.

25. Algeria welcomes the holding of three IAEA international conferences on nuclear security in 2013, 2016 and 2020. These conferences reaffirmed the central role of IAEA in coordinating international efforts to strengthen nuclear security around the world and led to the adoption at the last conference in 2020 of a ministerial declaration on strengthening nuclear security and the preparation of the IAEA Nuclear Security Plan for 2022–2025.
