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# Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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## Third session

New York, 29 April–10 May 2019

### **Substantive recommendations for incorporation into the final document of the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

#### **Working paper submitted by the Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons**

## **I. Introduction**

1. The Group of Non-Aligned States Parties to the Treaty on the Non-Proliferation of Nuclear Weapons emphasizes that the Treaty is an essential foundation for the pursuit of nuclear disarmament and the key instrument in the efforts to halt the vertical and horizontal proliferation of nuclear weapons. The Group further underscores that the realization of the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes constitutes one of the fundamental objectives of the Treaty.

2. The Group of Non-Aligned States Parties to the Treaty stresses, once more, the fundamental importance of the full, effective and non-discriminatory implementation of the obligations under the Treaty, in particular on nuclear disarmament. In this context, the Group calls for the full implementation of all commitments and the unequivocal undertakings assumed by the nuclear-weapon States, at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament.

3. Building on the working papers presented by the Group of Non-Aligned States Parties to the Non-Proliferation Treaty at the first, second and third sessions of the Preparatory Committee, the Group submits the following recommendations on the implementation of the Treaty as well as the commitments and undertakings agreed by consensus at the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences, for incorporation into the final document of the 2020 Review Conference. The Group may also propose further recommendations during the Review Conference.



## II. Recommendations

### Principles and objectives

#### Recommendation 1

**To emphasize** that the Non-Proliferation Treaty is the key international instrument aimed at achieving nuclear disarmament, halting the vertical and horizontal proliferation of nuclear weapons and promoting international cooperation and assistance in support of the inalienable right of its States parties to the peaceful uses of nuclear energy.

#### Recommendation 2

**To reaffirm** that the full, non-discriminatory and balanced implementation of the three pillars of the Non-Proliferation Treaty remains essential for promoting its credibility and effectiveness and in realizing its objectives.

#### Recommendation 3

**To reiterate** that the continued existence of nuclear weapons represents the greatest threat to humanity and that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons, as well as the risk of their unauthorized, unintentional or accidental use.

#### Recommendation 4

**To stress** that the full and effective implementation of all obligations under the Treaty on nuclear disarmament and non-proliferation of nuclear weapons, including, in particular, by the nuclear-weapon States, as well as the implementation of commitments and unequivocal undertakings assumed by them to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament, are crucial in promoting international peace and security.

#### Recommendation 5

**To reaffirm** that each article of the Treaty is binding on all States parties at all times and in all circumstances, without exception, and that States parties are required to comply strictly with their legal obligations under the Treaty and to implement those commitments agreed by consensus at the Review Conferences of the Treaty, including, in particular, the 1995 Review and Extension Conference and the 2000 and 2010 Review Conferences.

#### Recommendation 6

**To underline** that the immediate and unconditional accession to the Treaty by all States not party, as non-nuclear-weapon States, is essential for the full realization of its objectives. All States parties should make every effort to achieve the universality of the Treaty and refrain from taking any actions that could negatively affect prospects for the universality of the Treaty.

#### Recommendation 7

**To strongly call on** all States that are not party to the Non-Proliferation Treaty, particularly those States that operate unsafeguarded nuclear facilities, to accede, without any further delay and precondition, to the Treaty as non-nuclear-weapon States.

**Recommendation 8**

**To reaffirm** the integrity of article IX, paragraph 3, of the Non-Proliferation Treaty, and the obligation of all States parties not to accord any status or recognition in any form contrary to the provisions of the Treaty to any State not party to the Treaty.

**Nuclear disarmament****Recommendation 9**

**To acknowledge** that the strong support for the total elimination of nuclear weapons, expressed at the first-ever high-level meeting of the General Assembly on nuclear disarmament, on 26 September 2013, demonstrated that nuclear disarmament remains the highest priority of the international community.

**Recommendation 10**

**To reaffirm** that all parties have a legal obligation under article VI of the Treaty to pursue in good faith, and to bring to a conclusion, negotiations leading to nuclear disarmament in all its aspects under transparent, strict and effective international control.

**Recommendation 11**

**To emphasize** that the indefinite extension of the Non-Proliferation Treaty does not imply the indefinite possession of nuclear weapons by the nuclear-weapon States, and that any such assumption is incompatible with the object and purpose of the Treaty, with the integrity and sustainability of the nuclear non-proliferation regime and with the broader objective of maintaining international peace and security.

**Recommendation 12**

**To express deep concern** at the continued lack of progress in the implementation of nuclear disarmament obligations by the nuclear-weapon States, which could undermine the object and purpose of the Treaty, as well as at the continued inflexible postures of some nuclear-weapon States that have prevented the Conference on Disarmament from establishing an ad hoc committee on nuclear disarmament.

**Recommendation 13**

**To urge** the nuclear-weapon States to fully comply with their nuclear disarmament obligations under the Treaty and completely implement their unequivocal nuclear disarmament commitments, including the 13 practical steps, that were agreed and reaffirmed by consensus at the 2000 and 2010 Review Conferences of the Treaty, in order to accomplish the total elimination of their nuclear weapons.

**Recommendation 14**

**To strongly call** for the prompt and full implementation of the action plan on nuclear disarmament adopted by the 2010 Review Conference of the Treaty, particularly the commitments made by the nuclear-weapon States under action 5 to accelerate concrete progress on the steps leading to nuclear disarmament.

**Recommendation 15**

**To emphasize** the need to start negotiations without further delay on a phased programme for the complete elimination of nuclear weapons with a specified framework of time.

**Recommendation 16**

**To call** for the immediate establishment, as the highest priority, in the Conference on Disarmament, of a subsidiary body to negotiate and conclude a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer, use or threat of use and to provide for their destruction.

**Recommendation 17**

**To stress** that reductions in deployments and in operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons and that such reductions are undermined by the modernization of nuclear weapons and their delivery systems, and related infrastructure by the nuclear-weapon States; accordingly, to call upon the nuclear-weapon States to accelerate the reduction in their nuclear arsenals, weapons and their delivery systems, which should involve dismantling them in the fulfilment of their nuclear disarmament obligations.

**Recommendation 18**

**To acknowledge** that the development of new types of nuclear weapons and the lack of progress in diminishing the role of nuclear weapons in security policies run counter to the letter and spirit of the Treaty and undermine the realization of its objectives.

**Recommendation 19**

**To urge** the nuclear-weapon States to undertake to prohibit completely nuclear weapons research, and to immediately cease all plans to further invest in modernizing, upgrading, refurbishing or extending the lives or other measures regarding the qualitative improvement of their nuclear weapons and related facilities and to end the production of new types of nuclear weapons, in compliance with their obligations under article VI of the Treaty, as well as with their commitments under the 13 practical steps for the systematic and progressive efforts to implement article VI of the Treaty and the action plan on nuclear disarmament, agreed in 2000 and 2010, respectively.

**Recommendation 20**

**To reaffirm** the importance of the application of the principles of transparency, verifiability and irreversibility by nuclear-weapon States in all measures relating to nuclear disarmament.

**Recommendation 21**

**To support** the immediate commencement of negotiations in the Conference on Disarmament on banning the production of fissile materials for nuclear weapons and other nuclear explosive devices, including all practical measures to eliminate the past production and existing stockpiles of fissile materials for nuclear weapons and other nuclear explosive devices, in an irreversible and verifiable manner, taking into account both nuclear disarmament and nuclear non-proliferation objectives, without prejudice to the inalienable right of States parties to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes, including their past production, existing stockpiles and future production of fissile materials under the International Atomic Energy Agency (IAEA) comprehensive safeguards.

**Recommendation 22**

**To express** concern over the negative implications of the development and deployment of anti-ballistic missile defence systems and the threat of weaponization of outer space and at the negative security consequences of the deployment of such systems which could trigger an arms race(s) and lead to further development of advanced missile systems and an increase in the number of nuclear weapons.

**Recommendation 23**

**To emphasize** the paramount importance of strict compliance with existing arms limitation and disarmament agreements relevant to outer space, including bilateral agreements, and with the existing legal regime concerning the use of outer space.

**Recommendation 24**

**To further emphasize** the urgent need for the commencement of substantive work, at the Conference on Disarmament, on the prevention of an arms race in outer space, in accordance with General Assembly resolution [73/30](#).

**Recommendation 25**

**To reaffirm** that any use or threat of use of nuclear weapons would be a crime against humanity and a violation of the principles of the Charter of the United Nations and international law, in particular international humanitarian law, and that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law.

**Recommendation 26**

**To fully support and call for** the full implementation of resolution [73/40](#), entitled “Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament”, by which the General Assembly: (i) called for the urgent commencement of negotiations in the Conference on Disarmament on effective nuclear disarmament measures to achieve the total elimination of nuclear weapons, including, in particular, on a comprehensive convention on nuclear weapons; (ii) decided to convene, on a date to be decided later, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard; and (iii) welcomed the commemoration and promotion of 26 September as the International Day for the Total Elimination of Nuclear Weapons in order to mobilize international efforts towards achieving the common goal of a nuclear-weapon-free world.

**Recommendation 27**

**To establish** a standing committee to monitor and verify the fulfilment by the nuclear-weapon States of their nuclear disarmament obligations under the Treaty, as well as the implementation of their unequivocal undertakings agreed at the Review Conferences of the Treaty, and to make recommendations to the Review Conference on the next steps for the full implementation of article VI of the Treaty in realization of the objective of the total elimination of nuclear weapons.

**Recommendation 28**

**To call** for the complete exclusion of the use and the threat of use of nuclear weapons from all the military and security policies, concepts and doctrines, including the “Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization”, which not only set out rationales for the use or threat of use of

nuclear weapons, but also maintain unjustifiable concepts of security based on promoting and developing military alliances that pursue nuclear deterrence policies.

**Recommendation 29**

**To underscore** the necessity of the full and non-discriminatory implementation of articles I and II of the Treaty by all States parties, in particular nuclear-weapon States, to prevent the proliferation of nuclear weapons and other nuclear explosive devices, including through nuclear weapon-sharing with other States under any kind of security and military arrangements or alliances.

**Nuclear testing**

**Recommendation 30**

**To strongly support** a comprehensive ban on all forms of nuclear-weapon tests without exception, as well as any nuclear explosion, and reaffirm the importance of such ban in the realization of objectives of the Non-Proliferation Treaty.

**Recommendation 31**

**To support** the objectives of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive ban on all nuclear test explosions, and to stop the qualitative development of nuclear weapons and to stress that while the Comprehensive Nuclear-Test-Ban Treaty is a practical step for systematic and progressive efforts towards nuclear disarmament as well as non-proliferation in all its aspects, it cannot substitute the objective of the complete elimination of nuclear weapons.

**Recommendation 32**

**To support** the objectives of the Comprehensive Nuclear-Test-Ban Treaty, which is intended to enforce a comprehensive, irreversible and verifiable ban on all nuclear test explosions, and to stop the qualitative development of nuclear weapons in order to pave the way towards their total elimination.

**Recommendation 33**

**To stress** the significance of achieving the entry into force of the Comprehensive Nuclear-Test-Ban Treaty, through its ratification by the remaining States whose ratification is required for its entry into force, including, in particular, by two nuclear-weapon States, thus contributing to the process of nuclear disarmament and towards the enhancement of international peace and security.

**Recommendation 34**

**To stress** that the improvement in the existing nuclear weapons and development of new types of nuclear weapons violate the commitments undertaken by the nuclear weapon States at the time of the conclusion of the Comprehensive Nuclear-Test-Ban Treaty.

**Recommendation 35**

**To call on** nuclear weapon States to end plans to modernize their nuclear weapons arsenal, in compliance with their commitments, in particular under action 1 of the Final Document of the 2010 Review Conference, in which all States parties commit to pursue policies that are fully compatible with the Treaty and the objective of achieving a world without nuclear weapons.

**Recommendation 36**

**To stress** that the five nuclear-weapon States have a special responsibility to take the lead in realizing the objectives of the Comprehensive Nuclear-Test-Ban Treaty and to underline in this regard the commitments of the nuclear-weapon States under the Final Document of the 2000 Review Conference, in which the ratification of the Comprehensive Nuclear-Test-Ban Treaty is envisaged as the first of 13 practical steps, and accordingly to call for the early ratification of this Treaty, in particular by the remaining nuclear-weapon States and those that are not parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

**Recommendation 37**

**To strongly** call for the immediate and unconditional cessation of all nuclear weapon tests and nuclear explosions and to close and dismantle, in a transparent, irreversible and verifiable manner, any remaining sites for nuclear test explosions and their associated infrastructure.

**Recommendation 38**

**To underline** the need for increased attention to the problems of safety and contamination related to the discontinuation of nuclear operations formerly associated with nuclear weapons programmes, including, where appropriate, the safe resettlement of any displaced human populations and the restoration of economic productivity to affected areas, bearing in mind the special responsibility of countries that have undertaken nuclear tests towards the affected people and areas, including those in the former United Nations Trust Territories who have been adversely affected as a result of the nuclear weapon tests conducted in the past.

**Recommendation 39**

**To call upon** the nuclear-weapon States to refrain from conducting nuclear-weapon test explosions or any other nuclear explosions, or nuclear-weapon tests in alternative ways, as well as from using new technologies for upgrading the existing nuclear weapons system, as they are in contravention of the objectives of the Comprehensive Nuclear-Test-Ban Treaty and would undermine its effectiveness and contradict the commitments undertaken at the Review Conferences by nuclear weapon States.

**Negative security assurances****Recommendation 40**

**To reaffirm** that the total elimination of nuclear weapons is the only absolute guarantee against the use or threat of use of nuclear weapons as well as the risk of their unauthorized, unintentional or accidental use. Pending the total elimination of nuclear weapons, the provision of effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances by all five nuclear-weapon States to all the non-nuclear-weapon States parties to the Treaty against the use or threat of use of nuclear weapons under all circumstances, is the legitimate right of all non-nuclear weapon States parties to the Treaty. The provision of such assurances is a commitment, the early fulfilment of which is necessary to strengthen the nuclear non-proliferation regime.

**Recommendation 41**

**To reiterate** that military and security policies, concepts and doctrines that allow the use or threat of use of nuclear weapons contravene the existing insufficient negative security assurances provided through unilateral statements made by each of the nuclear-weapon States.

**Recommendation 42**

**To reaffirm** that any use or threat of use of nuclear weapons would be a crime against humanity and a violation of the principles of the Charter of the United Nations and international law, in particular, international humanitarian law and to reiterate that the mere possession of nuclear weapons is inconsistent with the principles of international humanitarian law.

**Recommendation 43**

**To call on** nuclear-weapon States to refrain, under all circumstances, from the use or threat of use of nuclear weapons against any non-nuclear-weapon State party to the Treaty, including, inter alia, by the complete exclusion of the use or threat of use of nuclear weapons from all their military and security concepts, doctrines and policies.

**Recommendation 44**

**To express dissatisfaction** over the lack of required political will and efforts by the nuclear-weapon States to fully address the legitimate interest of non-nuclear weapon States by providing them with effective, unconditional, non-discriminatory, irrevocable, universal and legally binding security assurances which could strengthen the nuclear disarmament and non-proliferation regime and to call on the 2020 Review Conference, in addition to nuclear disarmament being its highest priority, to fully address this legitimate right as a matter of priority.

**Recommendation 45**

**To strongly support** the urgent commencement of negotiations on effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, by all nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty, pending the realization of the goal of total elimination of nuclear weapons.

**Recommendation 46**

**To call for** the establishment of a subsidiary body on security assurances to consider further work on legally binding, unconditional, irrevocable and non-discriminatory negative security assurances by the five nuclear-weapon States to all non-nuclear-weapon States parties to the Treaty.

**Nuclear-weapon-free zones**

**Recommendation 47**

**To reaffirm** that the establishment of nuclear-weapon-free-zones by the Treaties of Bangkok, Pelindaba, Rarotonga, Semipalatinsk and Tlatelolco, as well as Mongolia's nuclear-weapon-free status, represent positive steps towards attaining the objectives of the Non-Proliferation Treaty in nuclear disarmament and non-proliferation of nuclear weapons and enhancing international peace and security.

**Recommendation 48**

**To call for** further efforts aimed at establishing nuclear-weapon-free zones in the regions where they do not exist, in particular in the Middle East.

**Recommendation 49**

**To reaffirm** that the fulfilment of the obligations of the nuclear-weapon States to provide to all non-nuclear-weapon States parties to the Treaty effective, universal, unconditional, non-discriminatory and irrevocable legally binding security assurances against the use or threat of use of nuclear weapons under all circumstances, is essential in the realization of the objectives of treaties establishing such zones.

**Recommendation 50**

**To stress** the importance of the early ratification of the existing treaties establishing nuclear-weapon-free zones, by all States whose ratification is required for the entry into force of such treaties, as well as the early ratification, by all the nuclear-weapon States that have not yet done so, of the relevant protocols to those treaties in order to assure the total absence of nuclear weapons in the respective territories of parties to such treaties, as envisaged in the Non-Proliferation Treaty.

**Recommendation 51**

**To urge** the nuclear-weapon States that, having signed or ratified some of the relevant protocols to a treaty establishing a nuclear-weapon-free zone, have done so with reservations or unilateral interpretative declarations that are incompatible with the object and purpose of such treaties and affect the denuclearization status of that zone, to withdraw such reservations or unilateral interpretative declarations and to fulfil their obligations to achieve the objectives of the treaties to establish nuclear-weapon-free zones and their protocols.

**Safeguards and verification****Recommendation 52**

**To reaffirm** that safeguards are accepted for the exclusive purpose of verification of the fulfilment of obligations assumed under the Non-Proliferation Treaty, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices; accordingly, they shall be implemented without affecting the inalienable rights under article IV of the Non-Proliferation Treaty and to avoid hampering the economic or technological development of the parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes.

**Recommendation 53**

**To stress** the importance of achieving the universality of the comprehensive safeguards and to call upon all States parties that have not yet done so to bring into force comprehensive safeguards agreements as soon as possible with a view to consolidating and enhancing the verification system for the nuclear non-proliferation and disarmament regime, through the universalization of comprehensive safeguards and, in this context, to urge all States not party to the Treaty to accede, without any further delay and any preconditions and as non-nuclear-weapon States, to the Treaty and to bring into force comprehensive safeguards agreements as soon as possible in

order to place all their nuclear facilities and activities under IAEA comprehensive safeguards.

**Recommendation 54**

**To acknowledge** that it is fundamental to make a distinction between legal obligations and voluntary confidence-building measures, in order to ensure that such voluntary undertakings should not be considered as legal safeguard obligations.

**Recommendation 55**

**To reaffirm** that IAEA is the sole competent authority responsible for verifying the fulfilment of safeguards obligations assumed by States parties under the Non-Proliferation Treaty, with a view to preventing diversion of nuclear materials and technology from peaceful uses to nuclear weapons and other nuclear explosive devices, as well as the global focal point for nuclear technical cooperation and that nothing should be done to undermine the authority of IAEA, and in this context to reject attempts by any IAEA member State to use the technical cooperation programme of the Agency as a tool for political purposes in violation of its statute and to call upon all States to avoid any pressure or interference in the Agency's activities, especially its verification process, that could jeopardize its efficiency and credibility.

**Recommendation 56**

**To confirm** that article III of the Treaty on verifying the peaceful nature of nuclear programmes provides credible assurances enabling States parties to engage in the transfer of nuclear equipment, material and technology for peaceful purposes in accordance with article IV and, therefore, States parties to the Treaty shall refrain from imposing or maintaining any restriction or limitation on the transfer of nuclear equipment, material and technology to States parties with comprehensive safeguards agreements.

**Recommendation 57**

**To emphasize** that non-proliferation must be pursued and implemented, without exception, through the strict observance of and adherence to the Non-Proliferation Treaty and to the IAEA comprehensive safeguards as a condition for any cooperation in the nuclear area with States not party to the Treaty, or for any supply arrangement with such States for the transfer of source or special fissionable material, or equipment or material specially designed or prepared for the processing, use or production of special fissionable material.

**Recommendation 58**

**To underscore** that the principle of balance between the promotional and other statutory activities of the Agency, in particular verification and safeguards-related activities, needs to be strictly observed and that IAEA shall ensure avoiding any ultra vires acts that would jeopardize its integrity and credibility.

**Recommendation 59**

**To underline** the importance of and the need for strict observance by IAEA of its statute and relevant comprehensive safeguards agreements in conducting verification activities and the necessity of IAEA reporting on the implementation of safeguards being factual, technically based and reflecting appropriate reference to the relevant provisions of safeguards agreements.

**Recommendation 60**

**To reiterate** the essential responsibility of IAEA in maintaining and observing fully the principle of confidentiality regarding all information related to the implementation of safeguards, including reporting, in accordance with the Agency's statute and safeguards agreements and the need for the regime for the protection of such confidential information to be significantly strengthened; and to urge, in this regard, the IAEA Director General to exercise the highest vigilance in ensuring the proper protection of classified safeguards information and to continue to review and update the established procedure for the protection of classified safeguards information within the secretariat.

**Recommendation 61**

**To support** the development of appropriate legally binding verification arrangements, within the context of IAEA, to ensure the irreversible removal of fissile material from nuclear weapons or other nuclear explosive devices and to stress the statutory role of IAEA on nuclear disarmament, including applying safeguards on nuclear materials derived from the dismantling of nuclear weapons; to recognize, in this context, the Agency capability of verifying nuclear disarmament agreements; and to call for the full implementation of action 16 of the recommendations and follow-on actions of the 2010 Review Conference and to urge the nuclear-weapon States to commit to declaring to IAEA all weapon-grade fissile material and to place such material, as soon as practicable, under the supervision of the Agency or other relevant international verification arrangements for the use of such material for peaceful purposes, to ensure that such material remains permanently outside military programmes.

**Recommendation 62**

**To call upon** all nuclear-weapon States and all States not party to the Non-Proliferation Treaty to place all their nuclear facilities under IAEA comprehensive safeguards, in order to ensure, inter alia, preventing further diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices, as well as the prohibition of the transfer of all nuclear-related equipment, information, material and facilities and resources or devices and the extension of assistance in the nuclear scientific or technological fields to States not parties to the Treaty without exception.

**Recommendation 63**

**To reiterate** the commitment of all States parties to the Non-Proliferation Treaty to prohibit the transfer of all nuclear-related equipment, information, material and facilities and resources or devices, and the extension of know-how or any kind of assistance in the nuclear, scientific or technological fields to Israel, as long as it remains a non-party to the Treaty and has not placed all its nuclear facilities under IAEA comprehensive safeguards.

**Recommendation 64**

**To call upon** the nuclear-weapon States to accept IAEA full-scope safeguards to ensure full compliance with their obligations assumed under article I of the Treaty.

## **Peaceful uses of nuclear energy**

### **Recommendation 65**

**To underscore** that nothing in the Non-Proliferation Treaty shall be interpreted as affecting the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, without discrimination, including the development of a full national nuclear fuel cycle, and their right to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, as well as technical cooperation among themselves or with international organizations, with due consideration for the needs of the developing countries, and that the realization of these rights constitutes one of the fundamental objectives of the Treaty.

### **Recommendation 66**

**To reaffirm** that any measure aiming at hampering, fully or partly, the fullest exercise of the inalienable rights under article IV of the Treaty would seriously jeopardize the delicate balance between the rights and obligations of the States parties, in contravention with the Treaty's object and purpose, and would widen the gap between developed and developing countries in the use of nuclear energy for peaceful purposes.

### **Recommendation 67**

**To reaffirm** the sovereign right of each State party to define its national energy and fuel-cycle policies, which, inter alia, includes an inalienable right to develop, for peaceful purposes, a full national nuclear fuel cycle, and that such rights of States parties, including expanding their own production capacity in the nuclear fuel cycle, shall not, in any way, be compromised or diminished, including as a result of any possible decision in the context of multilateral approaches to the nuclear fuel cycle.

### **Recommendation 68**

**To underline** that concerns related to nuclear proliferation shall not, in any way, restrict the inalienable right of any State party to develop all aspects of nuclear science and technology for peaceful purposes, without discrimination, as stipulated in article IV of the Treaty, and, accordingly, to call upon the States parties to refrain from any action that would limit certain peaceful nuclear activities on the grounds of their "sensitivity", as the Treaty does not prohibit the transfer or use of nuclear technology, equipment or material for peaceful purposes based on their sensitivity but stipulates only that such technology, equipment and material must be subject to IAEA comprehensive safeguards.

### **Recommendation 69**

**To express concern** that certain unilateral, politically motivated restrictions and/or limitations seriously hamper the exercise by developing States parties of their inalienable rights to develop research, production and use of nuclear energy for peaceful purposes, including to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.

### **Recommendation 70**

**To express concern** that some States parties have set conditions that limit the export of equipment, materials and scientific and technological information for the peaceful

uses of nuclear energy to developing States parties, such as concluding and bringing into force an additional protocol. Any such conditions contravene article IV of the Treaty, which is explicit in that regard, leaving no room for reinterpretation or setting conditions for the peaceful uses of nuclear energy by non-nuclear-weapon States.

#### **Recommendation 71**

**To reaffirm** that any interpretation that is used as a pretext to prevent the transfer of nuclear technology for peaceful purposes is inconsistent with the object and purpose of the Treaty, and, therefore, to strongly call for the fulfilment of the obligations under article IV, paragraph 2 of the Treaty with regard to exports, to other States parties, of nuclear material, equipment and technology for peaceful purposes.

#### **Recommendation 72**

**To emphasize** that non-proliferation control arrangements should be transparent and open to participation by all States and should ensure and facilitate, to the fullest extent possible, the access by developing countries parties to the Treaty to nuclear material, equipment or technology for peaceful purposes in accordance with the provisions of the Non-Proliferation Treaty.

#### **Recommendation 73**

**To express deep concern** over the ability of certain States not party to the Treaty to obtain, in particular from some nuclear-weapon States, nuclear materials, technology and know-how to develop nuclear weapons, and to strongly call for the enforcement, without exception or further delay, of the total and complete prohibition, as stipulated in the Treaty, of the transfer of nuclear-related equipment, information, material and facilities, resources or devices and the extension of assistance in the nuclear, scientific or technological fields to States not party to the Treaty.

#### **Recommendation 74**

**To underscore** the importance of IAEA assistance in particular to its developing member States in planning for and using nuclear science and technology for peaceful purposes, and the need for strengthening this role of the Agency, and, in this regard, to call on IAEA to ensure a balance between technical cooperation and its other activities.

#### **Recommendation 75**

**To stress** that the IAEA Technical Cooperation Programme, as the main vehicle for the transfer of nuclear technology for peaceful purposes, should continue to be formulated and implemented in accordance with the statute of IAEA and the agreed guiding principles, as contained in INFCIRC/267, and the decisions of IAEA policymaking organs, as well as under preferential and concessional terms; and to underline that the current guidelines and criteria for the selection of technical cooperation projects are robust and effective, and that no additional criteria should be imposed for fulfilling the above-mentioned objectives.

#### **Recommendation 76**

**To strongly reject** any attempt by any State to politicize the work of IAEA, including the use of its Technical Cooperation Programme as a tool for political purposes, which would be in violation of the statute of the Agency.

**Recommendation 77**

**To stress** the importance of full compliance, by the developed countries parties to the Treaty, with the obligations under article IV paragraph 2 of the Treaty, which stipulates that parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States parties to the Treaty, with due consideration for the needs of the developing areas of the world, and to underscore, in this regard, that, as a fundamental principle, in all activities designed to promote the peaceful uses of nuclear energy, preferential treatment shall be given to the non-nuclear-weapon States parties to the Treaty, particularly taking into account the needs of developing countries.

**Recommendation 78**

**To recognize** that the primary responsibility for nuclear safety rests with individual States, to reaffirm the central role of IAEA in nuclear safety-related matters, including through the establishment of nuclear safety standards, owing to its mandatory functions and longstanding expertise; and to stress that any possible review of nuclear safety standards at the global level must be carried out within IAEA in an inclusive, gradual and transparent manner, with the guidance and participation of and in consultation with all member States, that shall incorporate the views of all member States.

**Recommendation 79**

**To recognize** that the primary responsibility for nuclear security rests with individual States and that IAEA has the mandate, the authority and the central role in the area of nuclear security, and to reaffirm that any process to develop multilateral norms, guidelines or rules on nuclear security should be pursued within the framework of IAEA, should be driven by Member States, should be negotiated multilaterally in a gradual, inclusive and transparent manner incorporating the views of all Member States and should not encroach upon the mandate, competence and central role of IAEA in the area of nuclear security.

**Recommendation 80**

**To emphasize** that measures and initiatives aimed at strengthening nuclear safety and nuclear security must not be used as a pretext or leverage to violate, deny or restrict the inalienable right of States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination.

**Recommendation 81**

**To strongly emphasize** that any decision in the context of multilateral approaches to the nuclear fuel cycle must be consistent with the IAEA statute and the Non-Proliferation Treaty, without any prejudice to the inalienable right of each State party to the Treaty to develop research, production and use of nuclear energy and sciences, in all their aspects, for peaceful purposes, and, if it so decides, to develop a full national nuclear fuel cycle, according to article IV of the Treaty; to underscore that such decisions shall be made by consensus following wide, integral, comprehensive and transparent multilateral consultations, with the participation, and taking into account the interests of all IAEA member States, as well as all technical, legal, political and economic implications and complexities surrounding this sensitive matter; and to underline that every effort should be made to ensure that any related

mechanism is sustainable, non-discriminatory, predictable, transparent and economically viable, under the auspices of IAEA.

**Recommendation 82**

**To reiterate** a need for caution in thoroughly addressing the associated technical, legal and economic aspects, as well as the underlying political dimensions of the issue of assurances of nuclear fuel supply, and to stress the necessity to ensure that any further consideration of this issue is based on a coherent and comprehensive conceptual framework that adequately addresses the views and concerns of all States parties and that any proposal that eventually emerges in this regard is in full accordance with the Non-Proliferation Treaty and takes into account the respective legal obligations of States parties and the principle of non-discrimination.

**Recommendation 83**

**To reaffirm** the inviolability of peaceful nuclear activities and that any attack or threat of attack against peaceful nuclear facilities — operational or under construction — poses a great danger to human lives and the environment, and constitutes a grave violation of international law, the principles and purposes of the Charter of the United Nations and the resolutions of IAEA; to recognize the need for a comprehensive multilaterally negotiated legally binding instrument prohibiting attacks and the threat of attacks on nuclear facilities devoted to peaceful uses of nuclear energy; and, pending the conclusion of such an instrument, to strongly urge all States to refrain from attacks or the threat of attacks on such facilities.

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