

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

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The inalienable right to develop research, production and use of nuclear energy for peaceful purposes

Working paper submitted by the Islamic Republic of Iran

1. The inalienable right to develop research, production and use of nuclear energy for peaceful purposes constitutes one of the fundamental objectives of the Treaty on the Non-Proliferation of Nuclear Weapons. The Treaty, in its article IV, also provides for an undertaking by all the parties to the Treaty to facilitate the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy and the right of all parties to the Treaty to participate in such exchange.
2. In order to realize the right of developing States parties to participate in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy, all States parties, in particular developed ones, should fully comply with their legal obligations under article IV to facilitate such participation.
3. As stipulated in the Treaty, none of its provisions shall be interpreted as affecting the inalienable rights of States parties under article IV. In this regard, measures taken by States parties to prevent the proliferation of nuclear weapons should not restrict or hamper the exercise of the inherent rights of developing States parties to the Treaty to develop nuclear energy for peaceful uses and to participate in the exchange of nuclear equipment, materials and technology.
4. It is a matter of deep concern that certain States parties to the Treaty continue to impose arbitrary restrictions, based on political reasons, on the transfer of nuclear materials, equipment and technology for peaceful purposes. Such restrictions are in clear violation of the obligations under article IV of the Treaty.
5. The application of unilaterally enforced export control regimes, in contravention of the letter and spirit of the Treaty, has hampered access by developing States parties to nuclear materials, equipment and technology for peaceful purposes. Consistent with action 51 of the conclusions and recommendations for follow-on actions of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, restrictions on the transfer of nuclear



materials, equipment and technology for the peaceful uses of nuclear energy should be swiftly removed.

6. Measures need to be taken to ensure that the inalienable rights of all States parties to develop research, production and use of nuclear energy for peaceful purposes without discrimination are fully respected and protected.

7. The inalienable rights of the States parties apply to all areas of nuclear activities and technology for peaceful purposes, including enrichment and reprocessing activities and technology. In this regard, it was reiterated in the Final Documents of the 1985, 2000 and 2010 Review Conferences that each country's choices and decisions in the field of the peaceful uses of nuclear energy should be respected without jeopardizing its policies or international cooperation agreements and arrangements for the peaceful uses of nuclear energy and its fuel-cycle policies. For its part, the Islamic Republic of Iran has been pursuing all areas of nuclear technology, including the development of a full national nuclear fuel cycle for peaceful purposes.

8. As reaffirmed by the Movement of Non-Aligned Countries, the right of States to define their national energy and nuclear fuel-cycle policies "includes an inalienable right to develop, for peaceful purposes, a full national nuclear fuel cycle" (see [NPT/CONF.2015/WP.5](#), para. 9). Any proposal to limit or restrict this inalienable right of States parties would clearly be in contravention of article IV of the Treaty.

9. The International Atomic Energy Agency (IAEA), as the competent authority and the principal agent for nuclear technology transfer among the international organizations referred to in article IV (2) of the Treaty, has an important role in contributing to international cooperation for the further development of the applications of nuclear energy for peaceful purpose. The IAEA statute, in its article III (A), recognizes the Agency's mandate in encouraging and assisting "research on, and development and practical application of, atomic energy for peaceful uses throughout the world" and fostering "the exchange of scientific and technical information on peaceful uses of atomic energy".

10. The effective and successful operation of the Agency's technical assistance and cooperation programme is critical to performing its task in promoting nuclear energy for peaceful purposes. However, insufficient resources for that programme and restrictions imposed by some States on the Agency have undermined the Agency's ability to effectively meet its responsibilities in that regard.

11. The policy of funding technical cooperation on the basis of voluntary contributions must be changed, because such contributions are unpredictable, unsecured and subject to the political motivations of the donors. Safeguards activities are, however, funded from the regular budget. Such a discriminatory policy with respect to two pillars of the IAEA statute and the Treaty must be abandoned.

12. To redress this situation, in actions 53 and 54 of the conclusions and recommendations for follow-on actions of the 2010 Review Conference, the States parties were called upon to strengthen the IAEA technical cooperation programme in assisting developing States parties and by taking practical steps to ensure that the IAEA resources in this area are sufficient, assured and predictable (see [NPT/CONF.2010/50 \(Vol. I\)](#)). The 2020 Review Conference needs to review the status of implementation of the above-mentioned actions and, if necessary, provide guidance.

13. As stipulated in the Treaty, the safeguards required under article III shall be implemented in a manner designed to comply with article IV of the 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 materials and equipment for the processing, use or production of nuclear materials for peaceful purposes.

14. This notion was duly noted in the Review Conferences, particularly in the Final Document of the 2000 Review Conference (NPT/CONF.2000/28 (Parts I and II)), in which it is stated that the strengthening of IAEA safeguards should not adversely affect the resources available for technical assistance and cooperation. It was further maintained that, in allocating resources, the Agency's statutory functions, including that of encouraging and assisting the development and practical application of atomic energy for peaceful uses with adequate technology transfer, should be taken into account.

15. Given the above-mentioned considerations, the Preparatory Committee for the 2020 Review Conference, at its third session, should recommend:

(a) Reiterating the full respect for the inalienable rights of all States parties under article IV of the Treaty, which includes the right to develop nuclear technology and to have full access to nuclear materials, technology and equipment for peaceful purposes;

(b) Committing to ensure the full and non-discriminatory implementation of obligations under article IV of the Treaty;

(c) Stressing that no State party should be limited in exercising its rights under the Treaty based on allegations of non-compliance;

(d) Stressing the need to refrain from pursuing any explicit or implicit proposal or action, by any State or organization, that intends to hamper, directly or indirectly, the nuclear policies of States parties to develop a full national nuclear fuel cycle for peaceful purposes;

(e) Underscoring that the Treaty does not prohibit in any way the use or transfer of nuclear technology, materials or equipment to States parties for peaceful purposes based on sensitivity;

(f) Committing to terminate any restrictions or limitations on the transfer of nuclear materials, equipment or technology to States parties that have an IAEA comprehensive safeguards agreement in force;

(g) Calling upon States parties participating in export control regimes to swiftly remove any restrictions on the transfer of nuclear materials, equipment and technology for the peaceful uses of nuclear energy to requesting States parties;

(h) Acknowledging that the efforts to promote non-proliferation should not impair the legitimate rights of States parties, especially the developing countries, to the peaceful uses of nuclear energy;

(i) Stressing that export control should not lead to the establishment of a discriminatory and selective regime that would impose restrictions on the transfer of nuclear materials, equipment and technology to developing States parties;

(j) Underlining that the developed States parties and IAEA should enhance assistance to the developing States parties in the peaceful uses of nuclear energy;

(k) Reaffirming that any explicit or implicit decision or action that intends to hamper the nuclear policies of States parties to develop a full national nuclear fuel cycle shall be avoided;

(l) Committing to the enforcement, without exception or further delay, of the total and complete prohibition of the transfer of all nuclear-related equipment, information, material, facilities, resources and devices and the extension of assistance in the nuclear, scientific or technological fields to non-parties to the Treaty.