

2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

23 April 2015
English
Original: Arabic

New York, 27 April-22 May 2015

Disarmament and the peaceful uses of nuclear energy and nuclear non-proliferation

**Working paper submitted by Bahrain on behalf of the League of
Arab States**

I. Disarmament

1. The Arab States believe that the acquisition, possession and development of nuclear weapons do not achieve regional and international peace and security, but rather increase instability. They affirm that the only way to avoid the risks of nuclear weapons and to ensure that they will not be used is to eliminate them completely.
2. The Arab States affirm that the credibility of the Treaty on the Non-Proliferation of Nuclear Weapons is based on the balanced implementation the three main pillars of the Treaty — disarmament, non-proliferation and peaceful uses — and on the achievement of the universality of the Treaty.
3. Despite the many efforts of the States that are demanding nuclear disarmament and the fulfilment by the nuclear-weapon States of their obligations under the Treaty, the official positions of the nuclear-weapon States continue to accord nuclear weapons a primary position in their defence strategies. Moreover, the nuclear-weapon States permit themselves the right to use nuclear weapons against non-nuclear-weapon States. This contravenes the positive and negative assurances which each nuclear-weapon State provided in individual declarations made to the non-nuclear-weapon States parties to the Treaty in April 1995. It also contravenes the relevant provisions in Security Council resolutions 255 (1968) and 984 (1995).
4. The Arab States are concerned by the continued inactivity of United Nations disarmament mechanisms, particularly the Conference on Disarmament, which is the sole international forum for multilateral negotiations on disarmament. The Arab States urge consideration of practical measures to address this inactivity.
5. The Arab States affirm that the Treaty objectives will be achieved only if the universality of the Treaty is achieved by States currently not parties to the Treaty acceding to the Treaty as non-nuclear-weapon States. They further affirm that any



delay in achieving such universality will impede the strengthening of the non-nuclear proliferation regime.

6. The Arab States recall the International Court of Justice advisory opinion on the Legality of the Threat or Use of Nuclear Weapons (8 July 1996), which affirms that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

7. The Arab States recall that the 2010 Treaty Review Conference reaffirms that the 1995 Resolution on the Middle East, which is the basis for the indefinite extension of the Treaty without a vote, remains valid until the goals and objectives of the Treaty are achieved.

8. The Arab States also recall that the Final Document of the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons reaffirms the urgent need to fully implement Article VI of the Treaty and paragraphs 3 and 4 (c) of Decision 2 of 1995 Treaty Review Conference entitled “Principles and Objectives for Nuclear Non-proliferation and Disarmament”.

9. The Arab States welcome voluntary efforts reduce the number of nuclear warheads. They affirm the need to avoid confusing reduction of the number of warheads with disarmament efforts, as any such reduction does not necessarily imply progress toward nuclear disarmament.

10. The Arab States are concerned by the efforts of certain nuclear-weapon States to modernize their nuclear arsenals and introduce new nuclear weapons. Such efforts threaten international security and peace. The Arab States therefore urge respect for the articles and spirit of the Treaty until such weapons are eliminated fully and conclusively. In this regard, the Arab States recall the relevant resolutions of the United Nations General Assembly.

11. The Arab States affirm the following political (POL) resolutions issued by the Council of Foreign Ministers of the Organization of Islamic Cooperation in its forty-first session held in Jeddah, the Kingdom of Saudi Arabia during 15-16 June 2014: Resolution No. 22/41-POL on the Strengthening of the Security of Non-Nuclear-Weapon States Against the Use or Threat of Use of Nuclear Weapons; Resolution No. 23/41-POL on Formulation of a New Global Consensus on Disarmament and Non-Proliferation; Resolution No. 27/41-POL on Establishment of a Nuclear-Weapon-Free Zone in the Middle East; Resolution No. 28/41-POL on Condemnation of the Zionist Regime for Its Possession of Nuclear Capabilities to Develop a Nuclear Arsenal; and Resolution No. 29/41-POL on the Total Elimination of Nuclear Weapons.

12. The Arab States welcome United Nations General Assembly resolution 69/58 (Follow-up to the 2013 high-level meeting of the General Assembly on nuclear disarmament) of 2 December 2014 and the importance accorded to the meeting held on 26 of September 2013, all of which promotes the full and conclusive elimination of nuclear weapons.

13. The Arab States affirm the importance of the Third Conference on the Humanitarian Impact of Nuclear Weapons held on 8 and 9 December 2014 in Vienna, the results of which underscore the inability of the parties to deal with the effects of nuclear detonations, whether intentional or due to a faulty assessment or

error. The Arab States welcome Austria's offer to host the next conference. The Arab States affirm that the possession or use or threat to use nuclear weapons conflicts with the principles and provisions of international and humanitarian law.

14. The Arab States therefore propose that the 2015 Review Conference consider the following recommendations:

(a) Reaffirmation that the Treaty is the cornerstone of the nuclear non-proliferation and disarmament regime and that compliance with all Treaty provisions and action to achieve the universality of the Treaty are essential.

(b) Urging of the nuclear-weapon States to adopt serious measures to expedite the implementation of the agreed practical steps contained in the Final Document of the 2000 Treaty Review Conference, some of which are reaffirmed in Measure 5 in the part pertaining to disarmament in the Final Document of the 2010 Non-Proliferation Treaty Review Conference.

(c) Affirmation of support convening the Fourth General Assembly Special Session Devoted to Disarmament at an earlier date.

(d) A declaration by the nuclear-weapon States of a halt to the development of their nuclear arsenals or to the introduction of new types of nuclear weapons until such weapons are eliminated in a transparent, verifiable manner.

(e) The urging of the Conference on Disarmament — in its capacity as the sole multilateral negotiating body in respect of disarmament under the resolutions of the First General Assembly Special Session Devoted to Disarmament — to develop a comprehensive, balanced action programme that includes the start of negotiations on:

- A comprehensive agreement that bans the acquisition, introduction, production, possession, testing, stockpiling, transfer and use or threat to use nuclear weapons and that provides for the destruction of such weapons to gradually eliminate them according to a specific timetable leading to the global, non-discriminatory and verifiable elimination of such weapons.
- A ban on the current and future production of fissile materials for military purposes that addresses the nuclear-weapon States' accumulated stockpiles of fissile materials, so that non-proliferation does not take precedence at the expense of disarmament.
- International arrangements granting the non-nuclear-weapon States parties legally binding, unconditional contractual security assurances that the five nuclear-weapon States will not use or threaten to use nuclear weapons against them until such weapons are completely eliminated.

II. Peaceful uses

1. The Arab States announced — in the Statement of the Council of the League of Arab States at summit level in its eighteenth session in Khartoum in 2006 — national and regional action to develop programmes for peaceful uses of nuclear energy to achieve development in various fields. The Council of the Arab League discussed this matter and adopted the following key resolutions at summit level in its nineteenth session in Riyadh in March 2007, its twentieth session in Damascus in March 2008 and in its twenty-first session in Doha in March 2009:

- Resolutions 383, 425 and 471 entitled “Development of the peaceful uses of nuclear energy in the member States of the League of Arab States”. These resolutions establish a national approach in the Arab States for establishing a nuclear scientific and research base and for training the necessary cadres.
- Resolutions 384, 426 and 472, entitled “Establishment of a collective Arab programme for the use of nuclear energy for peaceful purposes”. These resolutions urge Arab regional cooperation to establish joint projects to promote development in fields relating to the use of nuclear energy for peaceful purposes.

2. The Council of the League of Arab States also adopted — in successive sessions at summit level — resolutions affirming the inalienable right of the Arab States to benefit from the peaceful uses of atomic energy as provided in the Treaty. In this regard, the Arab States reject attempts to restrict this right and to grant facilities to certain States that are not parties to the Treaty.

3. The Council of the League of Arab States at summit level adopted, in its resolution 472 in its twenty-first session in Doha on 30 March 2009, the Arab strategy for the peaceful uses of atomic energy which was adopted by the Arab Atomic Energy Agency in 2008 and which covers up to 2020.

4. The Arab States affirm that the peaceful use of nuclear energy is an inherent right of the States parties to the Treaty and that the reinterpretation of the articles of the Treaty so as to deny this right is prohibited under Article IV (1) of the Treaty, which explicitly states, “Nothing in this 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 and in conformity with Articles I and II of this Treaty”.

5. The Arab States are of the opinion that any contravention of Article IV (1) of the Treaty is inconsistent with one of the principles based on which the non-nuclear-weapon States acceded to the Treaty, namely the entitlement of such States to benefit from nuclear energy without restriction or discrimination. The Arab States affirm the entitlement of all States parties to obtain the necessary international support to develop their capabilities for the peaceful use of nuclear energy.

6. The Arab States affirm the importance of the right of each State to make choices and decisions on the peaceful use of nuclear energy without prejudice to its policies or the agreements and arrangements which it concludes in the scope of international cooperation programmes concerning the peaceful uses of nuclear energy and without prejudice to its nuclear fuel cycle policy.

7. The Arab States believe that the strengthening of the rights of the States parties to the Treaty in these fields will support and strengthen the Treaty, particularly as these States are bound to the safeguards agreements which they have signed with the IAEA, which is the sole international agency authorized to verify the compliance of any State with a safeguards agreement.

8. While attempts continue to restrict the right of the States parties to the Treaty to benefit from the peaceful uses of atomic energy, States that possess nuclear materials and technology are cooperating with States that are not parties to the Treaty. This points to a double standard and the contravention of paragraph 12 of

Decision 2 (Principles and objectives for nuclear non-proliferation and disarmament) issued by the 1995 Treaty Review Conference.

9. Therefore, the Arab States view with concern the repetition of the precedent of excluding States that are not parties to the Treaty from the strict guidelines of the Nuclear Suppliers Group. The aforesaid guidelines prohibit nuclear exports to States which are not parties to the Treaty and which do not submit all their nuclear installations to the IAEA comprehensive safeguards, which contravenes Article III (2) of the Treaty and damages the credibility of the Treaty.

10. Many Arab States have signed the voluntary additional protocol. Nonetheless they affirm their rejection of efforts to convert the signing of the additional protocol from a voluntary measure to a mandatory condition for obtaining peaceful nuclear energy technology and exchanging information to enhance the development of their peaceful uses of nuclear energy. The Arab states note that States outside the non-proliferation regime are exempt from such a condition and are not being pushed to join the Treaty.

11. Based on the preceding, the Arab States propose that the 2015 Treaty review conference consider the following recommendations:

(a) Emphasis of the inherent, inalienable right of the States parties under Article IV of the Treaty to benefit from nuclear energy for peaceful purposes, and rejection of any restrictions of that right.

(b) Affirmation that the reinterpretation of any article of the Treaty in a way that impedes or prejudices this inherent right is a clear contravention of the Treaty and raises doubts as to the credibility and purpose of the Treaty, hence rejection of the conversion of the voluntary signing of the additional protocol instrument into a precondition for the developing countries' obtainment of peaceful nuclear energy technology.

(c) Affirmation that the International Atomic Energy Agency is the sole, competent authority responsible for verification of the States parties' compliance with their obligations under the Treaty.

(d) The necessity for each State party to the Treaty to pledge to facilitate the exchange of equipment and scientific and technological information in an optimal manner in connection with the implementation of the Treaty, provided that any State wishing to obtain such equipment and information is compliant with the safeguards agreement it signed with the IAEA, which is the sole agency authorized to verify the implementation of safeguards agreements with the States parties, and which must maintain its neutrality and professional role according to the IAEA Statute.

(e) Emphasis on not subjecting IAEA technological assistance provided to member States to any political, economic, or military conditions or any conditions that are inconsistent with the IAEA Statute, as provided in document no. INFCIRC/267 (March 1979).

(f) The urging of the IAEA to increase the resources allocated for providing technical assistance to the States parties, particularly the developing countries.

(g) Refrainment of the non-nuclear-weapon States parties to the Treaty from accepting any new obligations before real progress is achieved in respect of the universality of the Treaty, nuclear disarmament and the implementation of the

current obligations of all States parties, particularly the Resolution on the Middle East issued by the 1995 Review and Extension Conference.

(h) Refrainment from providing any technical support to States that are not parties to the Treaty in compliance with Articles I, II and III of the Treaty to thereby uphold the objective and credibility of the Treaty.

(i) Urging of the IAEA to halt the technical programme which it provides to Israel and to suspend its nuclear cooperation with Israel until Israel accedes to the Treaty as a non-nuclear-weapon State or submits its nuclear installations to the IAEA comprehensive safeguards system as a precondition for promoting the universality, credibility and effectiveness of the Treaty.

III. Non-proliferation

1. The Arab States affirm the importance of the States parties, particularly the nuclear-weapon States, making greater efforts to achieve the universality of the Treaty. Such efforts should include fulfilling their obligations under the Treaty and complying with the outcomes of the Review Conferences, including a complete prohibition of the transfer of all nuclear materials and technology to States not parties to the Treaty until those States accede to the Treaty. The Arab States categorically reject any efforts or initiatives to legitimize the nuclear status of States not parties to the Treaty, as such efforts and initiatives could hasten the collapse of the entire non-proliferation regime.

2. The Arab States recall that the final documents of the Review Conferences held in 1995, 2020 and 2010 attach importance to achieving the universality of the Treaty and call upon the States that have not acceded to the Treaty to do so as non-nuclear-weapon States and to submit all their nuclear installations to IAEA comprehensive safeguards.

3. The Arab States further recall that the Final Document of the First Special Session of the General Assembly Devoted to Disarmament (1978) provides for the obtainment of binding legal assurances by the non-nuclear-weapon parties to the Treaty. That notwithstanding, the Arab States maintain that the only absolute assurance precluding the use or threat to use nuclear weapons is the full elimination of nuclear weapons, which has become a legitimate, urgent demand as affirmed repeatedly in the 2010 Review Conference.

4. The Arab States again call attention to the importance of achieving the universality of the Comprehensive Nuclear-Test-Ban Treaty and facilitating its implementation through ratification thereof by those States that have yet to ratify it, particularly the nuclear-weapon States, which have a primary responsibility in this regard.