

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

9 April 2018

Original: English

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## Second session

Geneva, 23 April–4 May 2018

### **The inalienable right to develop research, production and uses of nuclear energy for peaceful purposes**

#### **Working paper submitted by the Islamic Republic of Iran**

1. To use science and technology for peaceful purposes, in particular nuclear science and technology, is an inalienable right of any State, inherent to its sovereignty. Given the continuous increase in the significance of nuclear energy as a clean, viable and environment- and climate-friendly source in the energy mix of countries, its broad and ever-growing applications and its prominent place in the sustainable socioeconomic development of societies, ensuring the full realization of this inherent right, in particular for developing States, is of utmost importance.
2. The right to develop 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, provides that nothing shall affect “the inalienable right of all the parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination”. It 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.
3. The realization of 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 should be ensured. To that end, among other things, all States parties, in particular those possessing advanced nuclear technology, equipment and scientific information, should fully comply with their article IV legal obligations to facilitate participation of the developing States parties in the fullest possible exchange of equipment, materials and scientific and technological information for the peaceful uses of nuclear energy.
4. As stipulated in the Treaty, none of its provisions shall be interpreted as affecting the inalienable rights of States parties under article IV. 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. 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 and undermine its integrity and credibility, and they must therefore be terminated. The 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons should examine this issue and take specific decisions to ensure the full and non-discriminatory implementation of 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 countries 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, restrictions on transfer of nuclear materials, equipment and technology for the peaceful uses of nuclear energy should be swiftly removed. The 2020 Review Conference should consider the status of implementation of that recommendation by States parties participating in the export control regimes and, if necessary, require them to report on their actions in this regard to the next Non-Proliferation Treaty review process.

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 protected. In this context, the 2020 Review Conference should reiterate the full respect for the inalienable rights of all States parties, particularly developing countries, under article IV, including the right to have full access to nuclear materials, technology, equipment and scientific and technological information for peaceful purposes. The Conference should stress that no State party should be limited in exercising its rights under the Treaty on the basis of allegations of non-compliance.

7. The inalienable rights of the States parties include 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 is determined to pursue all areas of nuclear technology, including the development of a full national nuclear fuel cycle for peaceful purposes.

8. As also reaffirmed by the Non-Aligned Movement, 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" ([NPT/CONF.2015/WP.5](#), para. 9). Therefore, any proposal to limit or restrict this inalienable right of States parties would clearly be in contradiction to article IV of the Treaty. The 2020 Review Conference is expected to address this issue and decide that any explicit or implicit proposal, decision or act, by any State or organization, that is intended to hamper, directly or indirectly, the nuclear policies of States parties to develop a full national nuclear fuel cycle for peaceful purposes is in clear violation of article IV and shall therefore be avoided.

9. The International Atomic Energy Agency (IAEA), as 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 purposes. The IAEA statute 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” (article III (A)).

10. The effective and successful operation of the Agency’s technical assistance and co-operation 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 ability of IAEA to meet effectively its responsibilities in this regard. Since the establishment of IAEA, developing countries have continually expressed serious concerns about the policy of funding technical cooperation on the basis of voluntary contributions, as they 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.

11. 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 IAEA resources in this area are sufficient, assured and predictable (see [NPT/CONF.2010/50 \(Vol. I\)](#)).

12. 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.

13. This notion was duly noted in the Review Conferences of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, particularly in the Final Document of the 2000 Review Conference ([NPT/CONF.2000/28 \(Parts I and II\)](#)), when considering that the strengthening of the 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.

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