

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

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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 (NPT). Article IV of the NPT 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 peaceful uses of nuclear energy, in conformity with Articles I, II and III, is both urgent and important. The peaceful use of nuclear energy, for both energy and non-energy purposes, is increasingly seen as a necessary condition for satisfying socioeconomic development needs around the world. Nuclear energy is an alternative or complementary resource that is clean, sustainable, economical and viable compared to fossil fuels, and a strategic option for diversifying sources of energy production aimed at ensuring energy security. The other peaceful applications of nuclear energy also contribute to the development of strategic sectors such as health, agriculture, water resources, etc.

3. The Review Conference should reaffirm the inalienable right of all States parties to use nuclear energy for peaceful purposes. To that end, it should encourage the International Atomic Energy Agency (IAEA) to continue its efforts to promote peaceful uses of nuclear energy and to urge developed States parties to encourage the unfettered acquisition, by developing countries, of the scientific knowledge and infrastructures needed for peaceful uses of nuclear power in the energy and non-energy domains, and nuclear applications that enable them to meet their socioeconomic needs.

4. International cooperation in the field of the peaceful use of nuclear technology is an essential factor for facilitating access by developing countries to the equipment, materials and scientific and technological information needed for peaceful use of nuclear energy.

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5. In accordance with its statute, the IAEA plays a central role in promoting and developing the peaceful use of nuclear energy and research in that domain, promoting scientific and technical exchanges on the peaceful uses and applications necessary for socioeconomic development. In this framework, the IAEA's technical cooperation programme is the appropriate tool for promoting this pillar of the NPT.

6. The technical-cooperation role of the IAEA, aimed at promoting and developing both the peaceful use of nuclear energy and research in this domain, should be strengthened. To that end, the Conference should urge States parties, particularly developed countries, to increase the resources of the IAEA and strengthen its technical and financial capacities, by providing sufficient, certain and predictable financial resources to the Technical Cooperation Fund to enable it to fulfil its cooperation activities in the promotion of energy and non-energy applications. It is in this spirit that Algeria scrupulously fulfils all of its financial obligations vis-a-vis the IEAE, including its contribution to the Technical Cooperation Fund.

7. The Peaceful Uses Initiative (PUI), launched in 2010 by a group of donor countries, represents a valuable contribution to implementing the IAEA's technical cooperation projects that are awaiting funding. The Review Conference should encourage States that can do so, to continue and increase their off-budget voluntary contributions, as complementary funding, for technical cooperation activities targeting peaceful uses of nuclear energy.

8. It is also desirable to work to maintain the balance between the three main statutory missions of the IAEA — safety and security, safeguards, and peaceful uses — so as to promote the technical cooperation programme in a way that responds to the needs of developing countries.

9. The decision to use nuclear energy for peaceful purposes is within the sovereign domain of each State party. The Conference should reaffirm this principle, which was agreed upon at the 2000 and 2010 Review Conferences, 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 NPT constitutes the appropriate and authorized framework for reconciling the inalienable right to use nuclear energy for peaceful purposes, and for the imperatives of non-proliferation of nuclear weapons, and nuclear security and safety. No provision of the Treaty should be interpreted as jeopardizing the exercise of that right; so the norms of non-proliferation, safety and security are respected. Concerns about the proliferation of nuclear weapons, nuclear safety and security, particularly given the increasing use of civil nuclear energy, should not serve as a pretext for restricting the scope of the right to use nuclear energy for peaceful purposes enshrined in Article IV of the NPT, and by the IAEA Statute. The dissemination of nuclear technologies and knowledge for peaceful purposes should not be assimilated to, or confused with, the proliferation of nuclear weapons.

11. Within this framework, export control should not lead to the establishment of a discriminatory and selective regime by imposing restrictions on the transfer of materials and equipment and nuclear technologies to developing countries. Rules and restrictions on technological transfers and the control of nuclear exports imposed on non-weapon States parties, particularly developing countries, for the purpose of preventing all proliferation, make it difficult, if not impossible, to

acquire nuclear equipment, which sometimes falls into the expandable category of “dual-use technology”. These discriminatory and selective measures substantially erode the inalienable right, recognized in Article IV, to gain 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 aimed at promoting multilateral arrangements for nuclear fuel in order to prevent nuclear proliferation, risk reinterpreting the provisions of Article IV, so as to restrict 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. This approach risks creating a new dichotomy between the States that already control and have available the means necessary for the fuel cycle and those, mostly developing countries, that do not.

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

14. Non-nuclear-weapon countries cannot, legitimately, acquiesce in unilateral interpretations and attempts to restrict 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 imperative of nuclear security and safety would be to adopt common, universal, transparent, objective and politically neutral rules.

15. The IAEA and its safeguards regime provide the legal framework for ensuring that the non-proliferation obligations that are incumbent on non-nuclear-weapon States, in the framework of the safeguards agreements envisaged by Article III paragraph 1, are respected. Moreover, it is feasible, as the case may be, to conceive within the framework of the IAEA of mechanisms authorized by all to promote transparency of nuclear programmes.

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

17. In that regard, the provisions of paragraph 3 of Article III provide that the safeguards for verifying the obligations assumed by non-nuclear-weapon States should be in conformity with Article IV. They should not hinder the economic or technological development of States parties. Nor should they obstruct international cooperation in the field of peaceful nuclear activities, specifically international exchanges of nuclear materials and equipment for peaceful purposes.

18. The peaceful use of nuclear energy and the implementation of facilities in this domain, require a mechanism capable of guaranteeing the necessary rules of safety and security.

19. In this context it is important that countries that have launched, or intend to launch, civil nuclear activities possess sufficient human, material and technical means, supported by an appropriate legal framework, to deal with issues related to

the safety and security of civil nuclear materials and facilities, and to prevent terrorist groups 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 installations and materials, 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 Materials (CPPNM), Algeria encourages States parties that have not yet done so to adopt this amendment, so that it can rapidly enter into force.

22. States parties also need mechanisms for early notification and rapid assistance in the event of a nuclear accident or radiological emergency. The Conference should therefore encourage affiliation to the Convention on the Early Notification of a Nuclear Accident, the Convention on Assistance in a Nuclear Accident or Radiological Emergency, along with the instruments on liability in the event of nuclear accident.

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

24. Algeria works, in all relevant international forums, in favour of effective international cooperation to combat 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 the IAEA, to address the recurrent threats posed by the risk of nuclear materials and other radioactive materials being diverted for criminal purposes. In this spirit, Algeria has contributed actively to the work of three summits on nuclear security, in Washington (2010), Seoul (2012) and The Hague (2014).

25. In this context, Algeria congratulates the IAEA International Ministerial Conference on Nuclear Security held in Vienna in July 2013, which reiterated the central role of the IAEA in coordinating international efforts to strengthen nuclear security throughout the world. The next ministerial conference, scheduled for December 2016, should consolidate this multilateral consultation process, make an assessment of the actions undertaken, and decide on future measures to be implemented in this framework.
