

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

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Working paper on the peaceful uses of nuclear energy submitted by the United Arab Emirates on behalf of the States members of the League of Arab States to the 2015 Preparatory Committee for the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

I. Background

1. At the 18th session of the Council of the League of Arab States at the summit level, held in Khartoum in 2006, the Arab States issued a statement announcing action at the national and regional levels to develop programmes for the peaceful uses of nuclear technology in order to achieve development in every area. The Council at the summit level discussed the issue at its 19th session, held in Riyadh in March 2007, and adopted two significant resolutions:

- Resolution 383 on the development of peaceful uses of nuclear technology in States members of the League of Arab States, which determined that Arab States would, at the national level, focus on training staff and laying the practical and research bases for the development of nuclear energy.
- Resolution 384 on the formulation of a common Arab programme for the peaceful use of nuclear energy, which called for Arab regional cooperation on joint projects to foster development in that area.

2. At successive sessions from 2008 to 2010, the Council of the League of Arab States at the summit level has adopted resolutions affirming the inalienable right of Arab States to benefit from the peaceful uses of nuclear energy in accordance with the Treaty on the Non-Proliferation of Nuclear Weapons.

3. In 2008, the Arab Atomic Energy Agency, a technical branch of the League of Arab States, finished drafting the Arab strategy for the peaceful uses of nuclear energy to 2020. The Council of the League of Arab States at the summit level endorsed that strategy at its 21st session in Doha by virtue of resolution 472 of 30 March 2009.

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II. Position of the Arab States

4. The Arab States, all of which are parties to the Treaty, affirm that the peaceful uses of nuclear technology are a fundamental right of States parties. Any attempt to reinterpret that right is prohibited under Article IV, paragraph 1 of the Treaty, which states clearly that nothing in the 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.

5. The Arab States consider that any breach of Article IV, paragraph 1 would be inconsistent with one of the principles on the basis of which the non-nuclear States acceded to the Treaty, namely that they would be granted the right to benefit from nuclear energy without restriction or discrimination. They stress that all States parties are entitled to obtain the necessary international support in order to build their capacities for the peaceful use of nuclear energy.

6. The Arab States believe that the promotion of States parties' rights in those areas would support and strengthen the Treaty. Those States are committed to the safeguards agreements concluded with the International Atomic Energy Agency, which is the sole international body authorized to declare whether or not a State is in compliance with its safeguards agreements.

7. There have been ongoing attempts to restrict the right of States parties to benefit from the peaceful uses of nuclear technology. Yet at the same time, States that possess materials and technologies for the peaceful uses of nuclear energy have continued to cooperate with non-party States, thereby displaying double standards and contravening paragraph 12 of decision 2, entitled "Principles and objectives for nuclear non-proliferation and disarmament", adopted at the 1995 Review and Extension Conference.

8. The Arab States are therefore concerned that a non-party State has again been exempted from the Guidelines for Nuclear Transfers issued by the Nuclear Suppliers Group, which prohibit nuclear transfers to non-party States, whose nuclear facilities are not subject to International Atomic Energy Agency safeguards regimes. Such transfers contravene Article III, paragraph 2, of the Treaty and damage its credibility.

9. Although many Arab States have voluntarily signed additional protocols, all of the Arab States reject attempts to make such additional protocols a necessary rather than a voluntary condition for the acquisition of peaceful nuclear technologies and the exchange of information to promote their development; States outside the nuclear non-proliferation regime have been exempted from that condition and have not been pressed to accede to the Treaty.

10. On the basis of those considerations, the Arab States propose that the 2015 Review Conference of the Parties to the Treaty should consider the following recommendations:

- (i) Emphasizing that under Article IV of the Treaty, all States parties have a fundamental and inalienable right to benefit from nuclear energy for peaceful purposes; rejecting any restrictions to that fundamental right;
- (ii) Affirming that any reinterpretation of an Article of the Treaty in such a manner as to hamper or infringe that fundamental right would constitute a

clear violation of the Treaty, and would undermine its credibility and purpose; rejecting any attempt to make the voluntary conclusion of additional protocols into a precondition for developing States to acquire peaceful nuclear technologies;

(iii) Emphasizing respect for States' national decisions to benefit from the peaceful uses of nuclear energy; refraining from any steps that could hamper or negatively affect international cooperation on peaceful technologies with those States, so long as they remain committed to the safeguards agreements concluded with the International Atomic Energy Agency;

(iv) Affirming that the Agency is the authority with sole responsibility for verifying States' compliance with their commitments under the Treaty;

(v) Every State party to the Treaty should facilitate the exchange of scientific and technological materials and information in as complete a manner as possible in the context of the Treaty, so long as the State obtaining those materials or information is committed to the safeguards agreements concluded with the Agency, which is the entity with sole responsibility for verifying States parties' implementation of safeguards agreements. The Arab States urge the Agency to preserve its impartiality and professional role in accordance with the Statute;

(vi) Emphasizing that, as stated in Agency information circular 267 of March 1979 (INFCIRC/267), the technical assistance activities provided to Member States by IAEA should not be subject to any political, economic, military or other conditions incompatible with the Agency's Statute;

(vii) No new commitments for non-nuclear-weapon States parties to the Treaty can be accepted until there has been genuine progress in achieving the universality of the Treaty, realizing nuclear disarmament, ensuring that all States parties comply with current commitments and, in particular, ensuring implementation of the resolution on the Middle East adopted at the 1995 Review and Extension Conference;

(viii) Refraining from providing any technical support to States not parties to the Treaty, in accordance with Articles I, II and III of the Treaty and in order to safeguard its purpose and credibility;

(ix) Calling on the Agency to halt the technical programmes provided to Israel. Cooperation with Israel on nuclear issues should be suspended until it accedes to the Treaty as a non-nuclear-weapon State and places all its nuclear facilities under a comprehensive safeguards agreement. Those steps are a necessary precondition in order to promote the universality, credibility and effectiveness of the Treaty.
